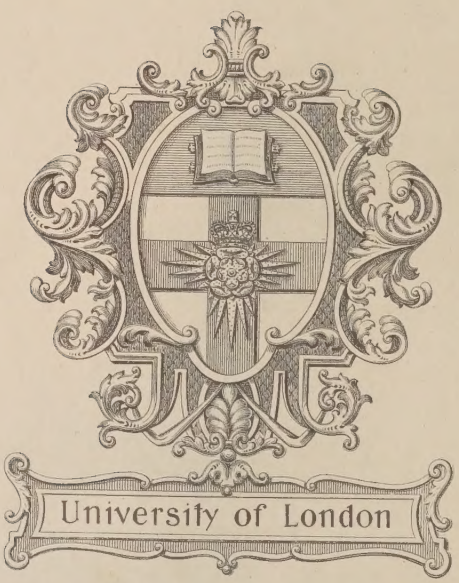
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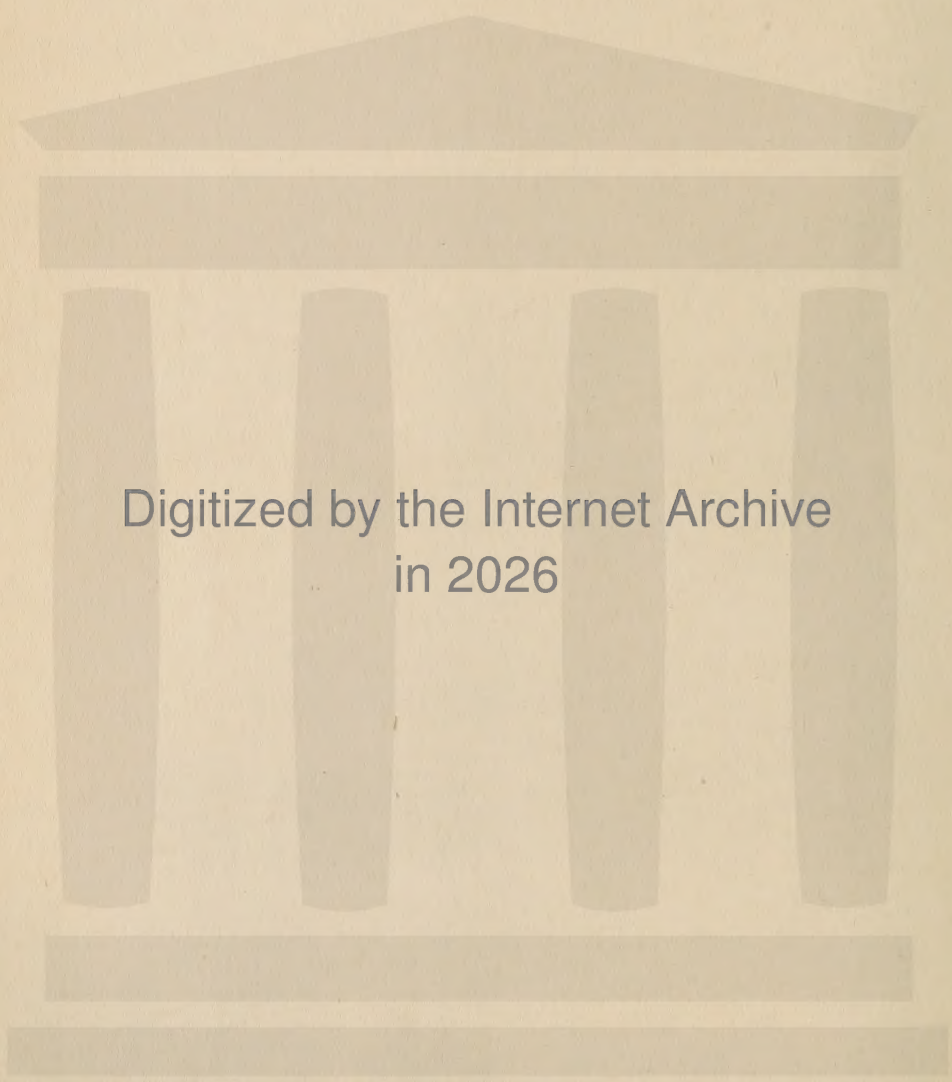

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B I L L S,

PUBLIC:

FIVE VOLUMES.

—*(1.)*—

ABERDEEN PROVISIONAL ORDER CONFIRMATION

TO

CHURCH TEMPORALITIES ACTS (IRELAND).

Session

1 *February* —— 10 *August* 1866.

VOL. I.

1866.

BILLS:

1866.

FIVE VOLUMES:—CONTENTS OF THE

FIRST VOLUME.

N.B.—*THE* Figures *at the* beginning of the line, *correspond with the* N° *at the foot of each* Bill; *and the* Figures *at the* end of the line, *refer to the* MS. Paging *of the Volumes arranged for The House of Commons.*

Aberdeen Provisional Order Confirmation:

237. Bill to confirm a Provisonal Order under "The General Police and Improvement (Scotland) Act, 1862," relating to the Burgh of Aberdeen - - p. 1

Admiralty Court (Ireland):

133. Bill to extend the Jurisdiction, alter and amend the Procedure and Practice, and to regulate the Establishment of the High Court of Admiralty in *Ireland* - - - - - - - - - - - - - - 7

Art:

100. Bill, intituled, An Act for facilitating the public Exhibition of Works of Art in certain Exhibitions - - - - - - - - - - - - 39

Artizans and Labourers Dwellings:

27. Bill to provide better Dwellings for Artizans and Labourers - - - 43

194. Same [as amended by the Select Committee] - - - - - - - 53

Attorneys and Solicitors (Ireland), 1866:

172. Bill, intituled, An Act to amend the Laws for the Regulation of the Profession of Attorneys and Solicitors in *Ireland*, and to assimilate them to those in *England* - - - - - - - - - - - - - - 73

Bank Notes (Ireland):

29. Bill to make Bank of England Notes a legal tender in *Ireland*, and to authorise Banks of Issue in *Ireland* to make their Notes payable only at the Places in *Ireland* at which the Account of Gold and Silver Coin held by such Bankers is taken by the Commissioners of Stamps and Taxes - - - - - 99

Bankruptcy Law Amendment, &c.:

106. Bill to amend and consolidate the Law relating to Bankruptcy in *England*, and to abolish Imprisonment for Debt on Final Process - - - - - - 103

254. Same [as amended in Committee] - - - - - - - - - 237

Belfast Constabulary:

159. Bill to authorise the Town Council of *Belfast* to levy and pay Charges in respect of extra Constabulary - - - - - - - - - - - 381

Bills of Sale Act (1854) Amendment:

235. Bill to amend the Bills of Sale Act, 1854 - - - - - - - 385

British Columbia:

186. Bill for the Union of the Colony of *Vancouver* Island with the Colony of *British Columbia* - - - - - - - - - - - - - p. 389

Burials in Burghs (Scotland):

132. Bill to revive Section Sixty-nine of "The Nuisances Removal (*Scotland*) Act, 1856," relating to Burials in Burghs - - - - - - - - - 393

Capital Punishments within Prisons:

54. Bill to provide for the carrying out of Capital Punishments within Prisons - 397

Carriage and Deposit of Dangerous Goods:

168. Bill for the Amendment of the Law with respect to the Carriage and Deposit of Dangerous Goods - - - - - - - - - - - - - 401

Cattle Assurance:

90. Bill to give further Facilities for the Establishment of Societies for the Assurance of Cattle and other Animals - - - - - - - - - - 405

Cattle, &c. Contagious Diseases:

86. Bill to amend the Act of the Eleventh and Twelfth Years of Her present Majesty, Chapter One hundred and Seven, to prevent the spreading of Contagious or Infectious Disorders among Sheep, Cattle, and other Animals - - 409

96. Same [as amended in Committee] - - - - - - - - - - 417

Cattle Diseases:

6. Bill to amend the Law relating to Contagious or Infectious Diseases in Cattle and other Animals - - - - - - - - - - - - - - 423

22. Same [as amended in Committee, on Re-commitment, and on consideration of Bill as amended] - - - - - - - - - - - - - 445

Cattle Diseases (Ireland):

37. Bill to amend the Law relating to Contagious Diseases amongst Cattle and other Animals in *Ireland* - - - - - - - - - - - - - 461

Cattle Diseases Prevention Act (1866) Amendment:

200. Bill to amend "The Cattle Diseases Prevention Act (1866)" - - - - 469

Cattle Diseases Prevention Act Amendment (No. 2.):

251. Bill to amend "The Cattle Diseases Prevention Act" - - - - - 477

Cattle Plague:

7. Bill to check the Spread of the Cattle Plague in *Great Britain* - - 481

20. Same [as amended in Committee] - - - - - - - - - 499

24. Same [as amended in Committee, and on Re-commitment] - - - 513

32. Same [as amended in Committee, on Re-commitment, and on Second Re-commitment] - - - - - - - - - - - - - - 527

34. Same [as amended in Committee, on Re-commitment, on Second Re-commitment, and on consideration of Bill as amended] - - - - - - - - 545

55. Same [as amended by the Lords] - - - - - - - - - 565

Cattle Sheds in Burghs (Scotland):

72. Bill to regulate the Inspection of Cattle Sheds, Cowhouses, and Byres within Burghs and populous Places in *Scotland* - - - - - - - - - 589

Charitable Donations and Bequests (Ireland):

201. Bill to amend the Law relating to Charitable Donations and Bequests in *Ireland* - - - - - - - - - - - - - - - 593

Charitable Trusts Deeds Enrolment [H. L.]:

199. Bill, intituled, An Act to make further Provision for the Enrolment of certain Deeds, Assurances, and other Instruments relating to Charitable Trusts p. 607

Church Rates Abolition:

11. Bill for the Abolition of Church Rates - - - - - - - - 611

Church Rates Amendment:

187. Bill to amend the Law relating to Church Rates - - - - - 615

Church Rates Commutation:

12. Bill for the Commutation of Church Rates [*not printed*] - - - - 619

Church Rates Commutation (No. 2):

30. Bill for the Commutation of Church Rates - - - - - - - 621

Church Temporalities Acts (Ireland):

134. Bill to validate certain Orders made by the Lord Lieutenant in Council under the Church Temporalities Acts in *Ireland* - - - - - - 643

A

B I L L

TO

Confirm a Provisional Order under "The General Police and Improvement (Scotland) Act, 1862," relating to the Burgh of Aberdeen.

WHEREAS the Secretary of State for the Home Department, being One of Her Majesty's Principal Secretaries of State, has, under the Provisions of "The General Police and Improvement (Scotland) Act, 1862," duly made the Provisional Order which is contained in the Schedule hereto annexed; and it is provided by the said Act that no such Order shall be of any Validity unless the same has been confirmed by Parliament; and it is expedient that the said Order should be so confirmed: Preamble. 25 & 26 Vict. c. 101.

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. The Provisional Order contained in the Schedule to this Act annexed shall, from and after the passing of this Act, be absolute, and be as binding and of the like Force and Effect as if the Provisions of the same had been expressly enacted in this Act. Provisional Order in Schedule confirmed.

Short Title.

2. This Act may be cited for all Purposes as "The General Police and Improvement (Scotland) Supplemental Act, 1866."

SCHEDULE referred to in this Act.

ABERDEEN.

GENERAL POLICE AND IMPROVEMENT (SCOTLAND) ACT, 1862, (25 & 26 Vict. Cap. 101.)

WHEREAS by the General Police and Improvement (Scotland) Act, 1862, it is, inter alia, enacted, Section 79, that "whenever it appears desirable to the "Magistrates and Council or Commissioners of Police of any Royal or Parliamentary Burgh, or to the Commissioners for executing this Act in any Burgh "or populous Place, that Provision should be made in order the better to "apply and execute therein the Provisions of this Act in whole or in part, or "for the future Application and Execution of any Acts in force therein having "relation to the Purposes of this Act, or to the Roads or Streets within such "Burgh or populous Place, or to any other Matter or Thing connected with "the Management and Administration of the Municipal or Police Affairs of any "such Burgh or populous Place, or that any such Acts or any Exemptions "from rating therefrom derived, or that any Provisional Order or Order in "Council applying this Act hereby authorized to be made, should be wholly or "partially repealed or altered," "the Magistrates and Council or the Commissioners of any Burgh, or the Magistrates and Councils or Commissioners of "contiguous Burghs, as the Case may be, may present a Petition to One of "Her Majesty's Principal Secretaries of State, praying for such Provision, "Repeal, and Alteration as aforesaid, or for any of such Things, and such "Petition shall be supported by such Evidence as the said Secretary requires":

And whereas there is in said Burgh of Aberdeen a Board of Commissioners of Police separate from the Magistrates and Town Council of the said Burgh, which Board of Commissioners is appointed under and in virtue of a Local Act now in force (25 & 26 Vict. c. 203.) intituled "An Act for paving, cleansing, "lighting, watching, draining, and improving the City of Aberdeen and "adjacent Districts, for regulating the Police thereof, for supplying the Inhabitants with Water, and for other Purposes," and which Act is herein-after referred to as the "Local Act":

And whereas a Petition under the Provisions of the said General Police and Improvement (Scotland) Act has been addressed to me, as One of Her Majesty's Principal Secretaries of State, by the Commissioners under the said Local Act, praying that a Provisional Order may be issued in the Terms and to the Effect after expressed, and that the same may be thereafter confirmed by Act of Parliament:

And

And whereas due Inquiry has been directed and held in respect of the Matters mentioned in the said Petition:

Now, therefore, in pursuance of the Powers vested in me by the said General Police and Improvement (Scotland) Act, 1862, I, as One of Her Majesty's Principal Secretaries of State, do, by this Provisional Order under my Hand and Seal of Office, direct that from and after the passing of any Act of Parliament confirming the same—

1. The Parts mentioned in the Schedule hereunto annexed of the "Aberdeen Police and Waterworks Act, 1862," being the Local Act 25 & 26 Victoria, Cap. 203., shall be repealed.

2. All the Provisions of the said Local Act which, if the Act to be passed confirming this Provisional Order had not been passed, would have been applicable or have referred to the Sewer Rates authorized by the said Local Act to be levied by way of District Assessment, shall, in so far as not inconsistent with this Provisional Order and the said Act to be passed, apply and refer to the Sewer Rates to be levied under the Authority of the said Local Act and of the said Act to be passed; and the said Local Act shall be read and construed as follows, that is to say, as if the Words "the Sewerage Department" had been inserted in Section 84 of such Act instead of the Words "each Drainage District" used in such Section; and as if the Words "within "the Limits of this Act" had been inserted in Section 86 of such Act instead of the Words "within each Drainage District within the Limits of this Act to "be formed as herein provided," used in such Section; and as if the Words "such Limits" had been inserted in such Section instead of the Words "such "Drainage District" or "such District," whenever either of these Expressions is used in such Section; and as if the Words "by way of District Assessment "in any Drainage District," used in Section 110 of such Act, had been omitted from such Section; and as if the Words "the Limits of this Act" had been inserted in such Section instead of the Words "such Drainage District" or "such District," wherever either of these Expressions is used in such Section; and as if the Words "Limits of this Act" had been inserted in Section 287 of such Act instead of the Words "Drainage District in which such Sewers are "respectively situated," used in such Section; and as if the Words "by way "of District Assessment," where used in Schedule (B.) annexed to and referred to in such Act, and also the Word "District," where used in such Schedule, had been all omitted from such Schedule.

3. The Words "Commissioners," "Lands," "Premises," "Street," and "Person" in this Provisional Order shall, unless there be in the Subject or Context something repugnant thereto or inconsistent with such Construction, have the several Meanings assigned to them by the said Local Act.

4. Whereas the Commissioners have, in pursuance of the said Local Act, made a Division of the Territory within the Limits thereof into separate Drainage Districts: The said Local Act, and the Act to be passed confirming this Provisional Order, shall be carried into execution to the like Effect and in the same Way as if such Division had not been made.

5. Notwithstanding anything contained in the said Local Act, all Sewers and Drains in or under any public Street within the Limits of the said Local Act as thereby defined, and not already by such Act vested in the Commissioners, shall

shall (with the Exception of the Sewers or Culverts constructed by and belonging to the Commissioners of the Harbour and Docks of Aberdeen) vest in and belong to and be under the Management and Control of the Commissioners: Provided always, that the Commissioners shall be bound to make Compensation to the Owner of such Sewers or Drains hereby vested in the Commissioners, so far as such Sewers or Drains may be private Property, for the Value of his Right and Interest therein, which Compensation shall be settled in the same Manner as Compensation for Land to be taken under the Provisions of "The "Lands Clauses Consolidation (Scotland) Act, 1845," is directed to be settled: Provided also, that in settling the Amount of such Compensation regard shall be had to, and a reasonable Abatement shall be made therefrom in respect of, the Rights, if any, which may have been previously acquired by any Person to use such old Sewer: Provided also, that any Person who may have acquired perpetual Right to use such Sewers or Drains hereby vested in the Commissioners previous to the Date at which the Act confirming this Provisional Order shall come into operation within the Territory within which such Sewers or Drains are situate shall be entitled to use the same, or any other Sewer to be substituted in lieu thereof, in as full and ample a Manner as he would or might have done if this Provisional Order had not been made.

6. Notwithstanding anything in the said Local Act contained, it shall be lawful to the Commissioners, if it shall be necessary for the Purpose of carrying any Sewer or other Works into or through any enclosed or other Lands as authorized by Section 282 of such Act to be done, to stop up, alter, or remove any private Sewer or Drain within such Lands, not being a Sewer or Drain, if such there be, made and used for the Purpose of draining, preserving, or improving Land under any Local or Private Act of Parliament: Provided always, that if any Person shall, by means of such stopping up, Alteration, or Removal, be deprived of the Use of any such Sewer or Drain which such Person was theretofore lawfully entitled to use, the Commissioners shall provide some other Sewer or Drain equally effectual for such Purpose; and the Provisions of Section 285 of the said Local Act shall extend and apply to the Case where any Person has by such Means been deprived of such Use.

7. If in making any Main or other Sewers, or in repairing, reconstructing, or enlarging the same, or any existing Drains or Sewers, the Contents at present carried into any existing Outlet shall be diverted therefrom to the Prejudice of any actual existing legal Right, the Commissioners shall be bound to make Compensation therefor, which Compensation shall be settled in the same Manner as Compensation for Land to be taken under the Provisions of the said Lands Clauses Consolidation (Scotland) Act is directed to be settled.

8. The Sewer Rates and Private Assessment to be imposed or levied under the Authority of the said Local Act and of the Act to be passed confirming this Order shall, with the legal Interest thereon from the Time when the same shall be declared payable, together with all Expenses incurred in the Recovery thereof, continue Burdens on the Premises liable for the same, or in respect of which the same shall be payable, but that only for Three Years from the Date when the same shall be respectively payable, as against bonâ fide singular Successors or Heritable Creditors: Provided always, that nothing herein contained shall affect the Rights and Remedies of Superiors for the Recovery of their Feu Duties and Casualties.

9. The

9. The Act to be passed confirming this Provisional Order shall be construed together with the said Local Act as One Act, and for this Purpose the Expression "this Act," when used in the said Local Act, shall be taken to include the said Act to be passed.

Given under my Hand and Seal at Whitehall, this Fifteenth Day of June 1866.

(L.S.) (Signed) G. GREY.

SCHEDULE TO WHICH THE FOREGOING ORDER REFERS.

The Parts of the said "Aberdeen Police and Waterworks Act, 1862," referred to in this Order to be repealed, are as follows, viz.:—

The following Portion of Section 86 of the said Act, namely, "Provided "that there shall not be One Assessment for Sewer Rates for the "whole Territory within the Limits of this Act, but such Territory "shall be divided into separate and distinct Drainage Districts, to be "formed in manner hereafter provided, and the Commissioners shall "make separate and distinct Assessments for such Sewer Rates for "every separate Drainage District accordingly as Occasion shall require;" also the following Portion of Section 110 of the said Act, namely, "and such Sewer Rates shall be so applied that each District shall, as "nearly as may be, bear its own Expenses; and in case any such "Expenses shall apply to or be incurred in respect of Two or more "Districts, the same shall be equitably apportioned and divided by the "Commissioners between such Districts;" and also so much of the said Act as is included in the Sections thereof numbered respectively 280 and 281.

Aberdeen Provisional Order Confirmation.

A

BILL

To confirm a Provisional Order under "The General Police and Improvement (Scotland) Act, 1862," relating to the Burgh of Aberdeen.

(*Prepared and brought in by Mr. Secretary Walpole and Mr. Hunt.*)

Ordered, by The House of Commons, *to be Printed*, 23 *July* 1866.

[Bill 237.]

Under 1 *oz.*

Admiralty Court (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Clauses.
1. Short Title of Act.
2. Interpretation of Terms.
3. Commencement of Act.
4. Repeal of 23 & 24 Geo. 3. c. 14. *Irish*, s. 1, 2, and 3, and of so much of 2 & 3 W. 4. c. 116. s. 1. as relates to the Salary of the Judge of the Admiralty of Ireland.
5. The Office of the present Judge of the Court of Admiralty to cease.
6. The Office of Judge of the Admiralty to be united to that of Judge of the Court of Probate.

PART I.—CONSTITUTION OF THE COURT.

7. The Court to be a Court of Record.
8. Protection of the Judge of the Court of Admiralty in the Exercise of his Office.
9. The Judge to have Power to appoint a Surrogate to act for him in case of Illness, &c. or in Vacation.
10. Serjeants, Barristers-at-Law, Attorneys-at-Law, and Solicitors to be at liberty to practise in the Court of Admiralty.
11. Admission of articled Apprentices of Proctors as Attorneys and Solicitors at the Expiration of their Term of Service.

PART II.—JURISDICTION OF THE COURT.

12. Jurisdiction of the Court in Cases of Salvage.
13. Jurisdiction in Cases of Towage.
14. Jurisdiction in Cases of Damage.
15. Jurisdiction as to Claims for building, equipping, or repairing of Ships.
16. Jurisdiction of the High Court of Admiralty in Claims for Necessaries.
17. Jurisdiction as to Claim for Damage of Cargo imported.

18. Court of Admiralty to decide Questions as to Ownership, &c. of Ships.
19. As to Claims for Wages and for Disbursements by Master of a Ship.
20. Jurisdiction in Cases of Mortgages of Ships.
21. Sections 62 to 65 of 17 & 18 Vict. c. 104. ("The Merchant Shipping Act, 1854,") extended to Court of Admiralty.
22. Part 9 of 17 & 18 Vict. c. 104. extended to Court of Admiralty.
23. Jurisdiction of Court may be exercised in rem or in personam.
24. Judge to have Power to make Rules of Court.
25. Certain Powers of Superior Courts extended to Court of Admiralty.
26. Gaolers to receive Prisoners committed by Court of Admiralty.
27. Prisoners in Contempt may be discharged.
28. Power to issue new Writs or other Process.
29. Judge and Registrar to have same Power as to Arbitration as Judges and Masters at Common Law in Cases under the Arbitration Clauses of the Common Law Procedure Act.
30. Section 15 of 17 & 18 Vict. c. 104. extended to Registrar of Court of Admiralty.
31. Powers of the Registrar.

PART III.—PRACTICE AND PROCEDURE.

1.—*Payment of Money into Court.*

32. Money paid into Court to be lodged in the Bank of Ireland.
33. Rules of Evidence in Common Law Courts to be observed.

2.—*Evidence.*

34. Power to examine vivâ voce in open Court.
35. Evidence may be taken vivâ voce before a Commissioner.
36. Attendance of Witnesses and Production of Books, &c. rendered compulsory.
37. Judge of Admiralty may appoint Solicitors, Attorneys, and Notaries to administer Oaths, &c.
38. Commissioner's Appointment to bear a Stamp of One Pound.
39. Personal Answers may be taken without a Commission.
40. Commission for Examination of Witnesses dispensed with, and Examiners empowered to administer Oaths.
41. Answers, Affidavits, &c., how to be sworn and taken in Ireland.
42. Answers, Affidavits, &c., how to be sworn and taken out of Ireland.
43. Penalties for false Swearing.

44. Penalty

44. Penalty for forging Signature or Seal of Judge, &c. empowered to administer Oaths under this Act.
45. Power of Judge to issue Commissions as heretofore to administer Oaths, &c.

3.—*Issues and New Trials.*

46. Power to try Questions of Fact and direct Issues.
47. Powers of the Court for the Trial of Questions by a Jury.
48. Question to be stated, and Jury sworn to try it. Court on Trial to have the same Authority as a Judge at Nisi Prius.
49. Court may direct Issues to try any Fact.
50. Costs of Issues and of Commissions to be in discretion of the Court.
51. Record of the Issue to be lodged with the Registrar.
52. Party in Court of Admiralty may apply for an Order for Inspection by Nautical Assessors.
53. Admission of Documents.
54. Power of Court of Admiralty, when personal Service of Citation has not been effected, to order Parties to proceed.
55. As to Services being out of Ireland.
56. Decrees and Orders of Court of Admiralty to have effect of Judgments at Common Law.
57. As to Claims to Goods taken in Execution.
58. As to the hearing of Causes and cross Causes.

Part IV.—Appeals.

59. Appeal to the Court of Delegates abolished.
60. Appeal given to Court of Appeal in Chancery and Privy Council.
61. Powers and Jurisdiction of the Court of Appeal.
62. Power to the Court of Appeal in Chancery to make Rules.
63. Power to the Court of Appeal in Chancery to call in Nautical Assessors.
64. Evidence in the Court of Appeal in Chancery may be taken vivâ voce, or upon written Depositions.
65. Court of Appeal in Chancery may order any particular Witness to be examined, and as to any particular Facts, and may remit the Cause for re-hearing.
66. Witnesses to be examined on Oath, and to be liable to Punishment for Perjury.
67. Court of Appeal in Chancery may direct an Issue to try any Fact.
68. Court of Appeal in Chancery may in certain Cases direct Depositions to be read at the Trial of the Issue.

69. May make such Orders as to the Admission of Evidence as are made by the Court of Chancery.
70. And may direct new Trials of Issues.
71. Powers, &c. of 13 Geo. 3. c. 63 and 1 W. 4. c. 22. with regard to Examination of Witnesses extended to the Court of Appeal in Chancery.
72. Costs to be in the Discretion of the Court of Appeal in Chancery.
73. Attendance of Witnesses and Production of Papers may be enforced by subpœna by the Court of Appeal in Chancery.
74. Time of appealing to Court of Appeal in Chancery.
75. The Privy Council empowered to determine Appeals under this Act.
76. Bail given in the Court of Admiralty to be good in the Court of Appeal.
77. Certified Notes of Evidence may be admitted on Appeal.
78. Notes of Evidence on Appeal to the Court of Appeal in Chancery to be certified to the Privy Council.

PART V.—ESTABLISHMENT.

79. The present Registrar and Marshal enabled to hold their Offices as heretofore.
80. Future Appointment of Registrar.
81. Officers not to execute their Duties by Deputy, except in case of Illness, &c.
82. No Officer of the Court to practise therein.
83. The Registrar to be Secretary of the Judge and Seal Keeper.
84. Registrar to attend the Court of Appeal in Chancery.
85. Power to the Registrar to appoint a Clerk and to the Judge to appoint and dismiss Servants.

PART VI.—STAMPS SUBSTITUTED INSTEAD OF FEES.

86. Lord Chancellor may, with Assent of the Commissioners of the Treasury, vary, alter, or abolish Fees.
87. From 1st January 1866, Judge, Registrar, &c. not to receive Fees on their own Account.
88. After 1st of January 1866, Fees payable to the Offices of Judge, Registrar, &c. to be collected by Stamps.
89. Fees collected by Stamps under this Act to be Stamp Duties.
90. Stamps to be impressed or adhesive, as Commissioners of the Treasury shall direct.
91. Commissioners of Treasury, with Concurrence of Judge of the Court of Admiralty, may from Time to Time make Rules regulating the Use and Application of Stamps, and the Cancellation of adhesive Stamps.

92. No

92. No Document to be received or used unless stamped.
93. Officers guilty of Fraud or wilful Neglect in relation to Stamps liable to be dismissed.

PART VII.—SALARIES AND PENSIONS.

94. Retiring Pension of present Judge.
95. Registrar to be paid by Salary.
96. The Marshal to be paid Salary.
97. The Surrogate to be remunerated by the Treasury.
98. Salaries of Officers, &c. to be payable out of Aids, &c. voted by Parliament.
99. Power to the present Registrar to retire on Compensation.
100. Compensation to the Registrar of the Court of Delegates.
101. Compensation of Proctors.
102. Compensations and retiring Annuities to be paid by Parliamentary Funds.
103. Salaries and Annuities to be paid quarterly.
104. Power to Treasury to order Pensions for retiring Officers.
105. Act to extend to Ireland only.

A

B I L L

TO

Extend the Jurisdiction, alter and amend the Procedure and Practice, and to regulate the Establishment of the Court of Admiralty in Ireland.

WHEREAS it is expedient to unite the Offices of Judge of the High Court of Admiralty of Ireland and Judge of Her Majesty's Court of Probate in Ireland; to extend the Jurisdiction and alter and amend the Procedure and Practice of the High Court of Admiralty of Ireland; to alter the Mode of appealing therefrom, and to regulate the Establishment of the Court, and to substitute Stamps for Court Fees therein; Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Preliminary.

1. This Act may be cited for all Purposes as "The Court of Admiralty (Ireland) Act, 1866." Short Title of Act.

Interpretation of Terms. 24 Vict. c. 10. s. 2.

2. In the Interpretation and for the Purposes of this Act (if not inconsistent with the Context or Subject) the following Terms shall have the respective Meanings herein-after assigned to them; that is to say,

"Ship" shall include any Description of Vessel used in Navigation not propelled by Oars:

"Cause" shall include any Cause, Suit, Action, or other Proceeding in the Court of Admiralty of Ireland:

"The Court of Admiralty" shall mean the Court of Admiralty of Ireland:

"The Judge" shall mean the Judge of the said Court of Admiralty for the Time being:

"Her Majesty in Council" shall mean Her present Majesty, Her Heirs or Successors, in the Privy Council in England:

19 & 20 Vict. c. 92. s. 2.

"The Lord Chancellor" shall mean and include the Lord High Chancellor, Lord Keeper, and Lords Commissioners for the Custody of the Great Seal of Ireland, for the Time being.

Commencement of Act.

3. This Act shall come into operation, except where otherwise specially provided, on the *First Day of January One thousand eight hundred and sixty-seven.*

Repeal of 23 & 24 G. 3. c. 14. ss. 1, 2, & 3 (Irish), and so much of 2 & 3 W. 4. c. 116. s. 1, as relates to the Salary of the Judge of the Admiralty Court of Ireland.

4. From and after the *Commencement of this Act* the *First*, *Second*, and *Third* Sections of the Act passed by the Parliament of Ireland of the Twenty-third and Twenty-fourth Years of the Reign of King George the Third, Chapter Fourteen, and so much of the First Section of the Act of the Second and Third Years of the Reign of King William the Fourth, Chapter One hundred and sixteen, as relates to the Salary of the Judge of the Admiralty Court in Ireland.

The Office of the present Judge of the Admiralty determined.

5. From and after the *Commencement of this Act* Thomas Frederick Kelly, Esquire, Doctor of Laws, the present Judge of the Court of Admiralty, shall cease to be the Judge thereof.

The Office of Judge of the Admiralty to be united to that of the Judge of the Court of Probate. See 20 & 21 Vict. c. 79. s. 14.

6. From and after the *Commencement of this Act* the Right Honourable Richard Keatinge, Judge of Her Majesty's Court of Probate in Ireland, or other the Person then being the Judge of the said Court of Probate, shall be also the Judge of the Court of Admiralty; and the said Two Offices shall be thenceforth united and be held by the same Person, as provided by "The Probates and Letters of Administration Act (Ireland), 1857," Section Fourteen.

Part I.—Constitution of the Court.

Court to be a Court of Record. 24 Vict. c. 10. s. 14.

7. The Court of Admiralty shall be a Court of Record for all Intents and Purposes.

Protection of the Judge of Court of Admiralty. 3 & 4 Vict. c. 65. s. 19.

8. No Action shall lie against the Judge of the said Court of Admiralty for Error in Judgment, and the said Judge shall be entitled to and have all the Privileges and Protection in the Exercise of his Jurisdiction as Judge of the said Court which by Law appertain to the Judges of Her Majesty's Superior Courts of Common Law in the Exercise of their several Jurisdictions.

The Judge to discharge his Duties in Person. In Illness of Judge, a Common Law Judge or Judge of Court of Probate may sit for him. 20 & 21 Vict. c. 79. s. 40.

9. The Judge of the Court of Admiralty shall be entitled to appoint a Surrogate or Deputy, who in case of the Illness or unavoidable Absence of the Judge, or in any Suit or Matter in which the Judge, his Wife or Child, or any Member of his Family shall have an Interest, and also in any Cause to be heard or decided in the Vacation between the *First* Day of *August* and the *Twentieth* Day of *October* in each Year, may sit for the Judge and exercise all his Powers.

Serjeants, Barristers-at-Law, Attorneys-at-Law, and Solicitors to be at liberty to practise in High Court of Admiralty. 22 & 23 Vict. c. 6.

10. All Serjeants and Barristers-at-Law, and all Attorneys-at-Law and Solicitors, shall, from and after the Time when this Act shall come into operation, be entitled to practise as Serjeants, Barristers, Attorneys, and Solicitors respectively in all Matters and Causes whatsoever in the said Court of Admiralty; and the said Serjeants and Barristers-at-Law shall and may have and exercise the same Rights and Privileges of practising in the said Court of Admiralty as Advocates now have and enjoy in the said Court, and the said Attorneys and Solicitors shall and may have and exercise the same Rights and Privileges of practising in the said Court of Admiralty as Proctors now have and enjoy in the said Court; and the said Serjeants, Advocates, and Barristers-at-Law shall have respectively the same Rank and Precedence in the said Court of Admiralty which they now have in the Superior Courts of Common Law, unless and until Her Majesty shall otherwise order: Provided always, that all Attorneys-at-Law and Solicitors practising in the Court of Admiralty shall be subject to the Authority of the Judge in the like Manner as Attorneys of the Queen's Bench are subject to the Authority of that Court: Provided also, that the Queen's Advocate General in the Court of Admiralty for the Time being shall have and retain the same Rights, Rank, and Precedence in that Court as he now has therein by virtue of his said Office.

Admission of articled Apprentices as Attorneys and Solicitors.

See 20 & 21 Vict. c. 79. s. 48.

11. And whereas the following Persons, namely, William Russell Kelly, Charles Taylor, John Chambers Hamerton, Henry Albert Lee, and John Mallins have been duly articled as Apprentices to Proctors of the said Court of Admiralty: It is hereby enacted, That each of them, the said William Russell Kelly, Charles Taylor, John Chambers Hamerton, Henry Albert Lee, and John Mallins, who shall complete the full Term of Service for which he has been bound as such Apprentice, may within *Six Months* thereafter be admitted without any further Apprenticeship, and without the Payment of any Stamp Duty, Fee, Charge, or Gratuity whatsoever, as a Solicitor of the High Court of Chancery in Ireland; and upon the Production of an official Certificate of his being qualified to be admitted as a Proctor of the said Court of Admiralty, and upon signing the Roll of Solicitors of the said Court of Chancery, shall be entitled to be admitted as a Solicitor of that Court, and to be afterwards in like Manner admitted and enrolled as an Attorney of Her Majesty's Superior Courts of Law in Ireland.

Part II.—Jurisdiction of the Court.

Jurisdiction in Cases of Salvage. 17 & 18 Vict. c. 104. s. 476.

12. Subject to the Provisions of "The Merchant Shipping Act, 1854," and "The Merchant Shipping Amendment Act, 1862," the Court of Admiralty shall have Jurisdiction to decide upon all Claims whatsoever relating to Salvage, and to enforce the Payment thereof, whether the Service in respect of which Salvage is claimed were performed upon the High Seas or within the Body of any County, or partly in the one Place and partly in the other, and whether the Wreck is found at Sea or cast upon the Land, or partly in the Sea and partly on Land.

Jurisdiction in Cases of Towage. 3 & 4 Vict. c. 65. s. 6.

13. The Court of Admiralty shall have Jurisdiction to decide all Claims and Demands in the Nature of Towage, and to enforce the Payment thereof, whether such Towage was performed within the Body of a County or upon the High Seas.

Jurisdiction in Cases of Damage. 3 & 4 Vict. c. 65. s. 6. 24 Vict. c. 10. s. 7.

14. The Court of Admiralty shall have Jurisdiction over any Claims for Damage received or done by any Ship, whether within the Body of a County or not.

As to Claims for building, equipping, or repairing of Ships. 24 Vict. c. 10. s. 4.

15. The Court of Admiralty shall have Jurisdiction over any Claim for the building, equipping, or repairing of any Ship if at the Time of the Institution of the Cause the Ship or the Proceeds thereof are under Arrest of the Court.

16. The

Jurisdiction of the High Court of Admiralty in Claims for Necessaries. 24 Vict. c. 10. s. 5.

16. The Court of Admiralty shall have Jurisdiction over any Claim for Necessaries supplied to any Ship elsewhere than in the Port to which the Ship belongs, unless it is shown to the Satisfaction of the Court that, at the Time of the Institution of the Cause to establish such Claim, any Owner or Part Owner of a Ship is domiciled in Ireland: Provided always, that if in any such Cause the Plaintiff do not recover Twenty Pounds he shall not be entitled to any Costs, Charges, or Expenses incurred by him therein, unless the Judge shall certify that the Cause was a fit one to be tried in the said Court.

As to Claim for Damage of Cargo imported. 24 Vict. c. 10. s. 6.

17. The Court of Admiralty shall have Jurisdiction over any Claim by the Owner or Consignee or Assignee of any Bill of Lading of any Goods carried into any Port in Ireland in any Ship for Damage done to the Goods, or any Part thereof, by the Negligence or Misconduct of or for any Breach of Duty or Breach of Contract on the Part of the Owner, Master, or Crew of the Ship, unless it is shown to the Satisfaction of the Court that at the Time of the Institution of the Cause any Owner or Part Owner of the Ship is domiciled in Ireland: Provided always, that if in any such Cause the Plaintiff do not recover Twenty Pounds he shall not be entitled to any Costs, Charges, or Expenses incurred by him therein unless the Judge shall certify that the Cause was a fit one to be tried in the said Court.

Court of Admiralty to decide Questions as to Ownership, &c. of Ships. 24 Vict. c.10 s. 8.

18. The Court of Admiralty shall have Jurisdiction to decide all Questions arising between the Co-owners or any of them touching the Ownership, Possession, Employment, and Earnings of any Ship registered at any Port in Ireland, or any Share thereof, and may settle all Accounts outstanding and unsettled between the Parties in relation thereto, and may direct the said Ship or any Share thereof to be sold, and may make such Order in the Premises as to it shall seem fit.

As to Claims for Wages and for Disbursements by Master of a Ship. 24 Vict. c. 10. s. 10.

19. The Court of Admiralty shall have Jurisdiction over any Claim by a Seaman of any Ship for Wages earned by him on board the Ship, whether the same be due under a special Contract or otherwise, and also over any Claim by the Master of any Ship for Wages earned by him on board the Ship, and for Disbursements made by him on account of the Ship: Provided always, that if in any such Case the Plaintiff do not recover Fifty Pounds, he shall not be entitled to any Costs, Charges, or Expenses incurred by him therein unless the Judge shall certify that the Cause was a fit one to be tried in the said Court.

 20. The

3 & 4 Vict. c. 65. in regard to Mortgages, extended to Court of Admiralty. 24 Vict. c. 10. s. 11.

20. The Court of Admiralty shall have Jurisdiction over any Claim in respect of any Mortgage duly registered according to the Provisions of "The Merchant Shipping Act, 1854," whether the Ship or the Proceeds thereof be under Arrest of the said Court or not.

Sections 62 to 65 of 17 & 18 Vict. c. 104. extended to Court of Admiralty. 24 Vict. c. 10. s. 12.

21. The Court of Admiralty shall have the same Powers over any British Ship, or any Share therein, as are conferred upon the High Court of Chancery in Ireland by the Sixty-second, Sixty-third, Sixty-fourth, and Sixty-fifth Sections of "The Merchant Shipping Act, 1854."

Part 9 of 17 & 18 Vict. c. 104. extended to Court of Admiralty. 24 Vict. c. 10. s. 13.

22. Whenever any Ship or Vessel or the Proceeds thereof are under Arrest of the Court of Admiralty, the said Court shall have the same Powers as are conferred upon the High Court of Chancery in Ireland by the Ninth Part of "The Merchant Shipping Act, 1854."

Jurisdiction of Court may be exercised in rem or in personam. 24 Vict. c. 10. s. 35.

23. The Jurisdiction conferred by this Act on the Court of Admiralty may be exercised either by Proceedings in rem or by Proceedings in personam.

Judge to have Power to make Rules of Court. 3 & 4 Vict. c. 65. s. 18.

24. The Judge of the Court of Admiralty is hereby empowered from Time to Time to make such Rules, Orders, and Regulations as to the Practice and Mode of Proceeding of the said Court, and as to the Conduct and Duty of the Officers and Practitioners therein, as to him shall seem fit, and from Time to Time to repeal or alter such Rules, Orders, or Regulations: Provided always, that no such Rules, Orders, or Regulations shall be of any Force or Effect until the same shall have been approved of by the Lord Chancellor and the Lord Justice of the Court of Appeal in Chancery in Ireland for the Time being.

Certain Powers of Superior Courts extended to Court of Admiralty. 24 Vict. c. 10. s. 17.

25. The Judge of the Court of Admiralty shall have all such Powers as are possessed by any of the Superior Courts of Common Law in Ireland, or any Judge thereof, to compel either Party in any Cause or Matter to answer Interrogatories, and to enforce the Production, Inspection, and Delivery of Copies of any Document in his Possession or Power.

Gaolers to receive Prisoners committed by Court of Admiralty. 3 & 4 Vict. c. 55. s. 20.

26. The Keeper for the Time being of any Common Gaol or Prison shall be bound to receive or take into his Custody all Persons who shall be committed thereunto by the said Court of Admiralty; and every Keeper of any Gaol or Prison who shall refuse to receive into his Custody any Person so committed, or wilfully or carelessly suffer

suffer such Person to escape or go at large without lawful Warrant, shall be liable to the like Penalties and Consequences as if such Person had been committed to his Custody by any other lawful Authority.

Prisoners in contempt may be discharged.
3 & 4 Vict. c. 55. s. 21.

27. It shall be lawful for the Judge of the said Court of Admiralty to order the Discharge of any Person who shall be in Custody for Contempt of the said Court, or for any other Cause other than Nonpayment of Money, on such Conditions as to the Judge shall seem just: Provided always, that the Order for such Discharge shall not be deemed to have purged the original Contempt in case the Conditions on which such Order shall be made be not fulfilled.

Power to issue new Writs or other Process.
24 Vict. c. 10. s. 22.

28. Any new Writ or other Process necessary or expedient for giving Effect to any of the Provisions of this Act may be issued from the Court of Admiralty in such Form as the Judge shall from Time to Time direct.

Judge and Registrar to have same Power as to Arbitration as Judges and Masters at Common Law.
24 Vict. c. 10. s. 23.

29. All the Powers possessed by any of the Superior Courts of Common Law, or any Judge thereof, under "The Common Law Procedure Act, 1856," and otherwise with regard to References to Arbitration, Proceedings thereon, and the enforcing of Awards of Arbitrators, shall be possessed by the Judge of the Court of Admiralty in all Cases and Matters depending in the said Court; and the Registrar of the said Court of Admiralty shall possess as to such Matters the same Powers as are possessed by the Masters of the said Superior Courts of Common Law in relation thereto.

Section 15 of 17 & 18 Vict. c. 104. extended to Registrar of Court of Admiralty.
24 Vict. c. 10. s. 24.

30. The Registrar of the Court of Admiralty shall have the same Powers under the Fifteenth Section of "The Merchant Shipping Act, 1854," as are by the said Section conferred on the Masters of Her Majesty's Court of Queen's Bench in England and Ireland.

Registrar to have Power to administer Oaths.

31. The Registrar of the said Court of Admiralty shall have Power to administer Oaths in relation to any Cause or Matter depending in the said Court, and shall have also such other Powers as may be given him for the Discharge of his Functions as Registrar by any Rule, Order, or Regulation to be made in pursuance of this Act.

Part III.—Practice and Procedure.

1.—*Payment of Money into Court, &c.*

Money payable into Court to be lodged in

32. All Money payable into the Court of Admiralty under any Order of the Court shall be lodged, under Orders of the Court to be made from Time to Time, in the Bank of Ireland, to an Account there

the Bank of Ireland.

there to be opened in the Name of the Registrar of the High Court of Admiralty of Ireland, to the Credit of the Cause in which such Order may be made, and the same shall not be drawn out therefrom save in pursuance of an Order of the Court by the Cheque or Draft of the said Registrar countersigned by the Judge.

2.—Evidence.

Rules of Evidence in Common Law Courts to be observed. See 20 & 21 Vict. c. 79. s. 38.

33. The Rules of Evidence observed in the Superior Courts of Common Law shall be applicable to and observed in the Trial of all Matters and Facts in the Court of Admiralty.

Power to examine vivâ voce in open Court. 3 & 4 Vict. c. 65. s. 7.

34. In any Cause depending in the Court of Admiralty the Court, if it shall think fit, may summon before it and examine or cause to be examined Witnesses by Word of Mouth, and either before or after Examination by Deposition, or before a Commissioner, as hereafter mentioned, and Notes of such Evidence shall be taken down in Writing by the Judge or Registrar, or by such other Person or Persons and in such Manner as the Judge of the said Court shall direct.

Evidence may be taken vivâ voce before a Commissioner. 3 & 4 Vict. c. 65. s. 8.

35. The Court may, if it shall think fit, in any such Suit issue One or more Special Commissions to some Person, being a Barrister-at-Law of not less than *Seven* Years standing, to take Evidence by Word of Mouth upon Oath, which every such Commissioner is hereby empowered to administer, at such Time or Times, Place or Places, and as to such Fact or Facts, and in such Manner, Order, and Course, and under such Limitations and Restrictions, and to transmit the same to the Registry of the said Court in such Form and Manner as in and by the Commission shall be directed; and such Commissioner shall be attended, and the Witnesses shall be examined, cross-examined, and re-examined, by the Parties, their Counsel, Solicitors, Attorneys, or Agents, if such Parties or either of them shall think fit so to do; and such Commissioner shall, if need be, make a special Report to the Court touching such Examination, and the Conduct or Absence of any Witness or other Person thereon or relating thereto; and the said Court of Admiralty is hereby authorized to institute such Proceedings and make such Order or Orders upon such Report as Justice may require and as may be instituted or made in any Case of Contempt of the said Court.

Attendance of Witnesses and Production of Books, &c., may be compelled by

36. It shall be lawful in any Suit depending in the said Court of Admiralty for the Judge, or for any such Commissioner appointed in pursuance of this Act, to require the Attendance of any Witness, and the Production of any Deeds, Evidences, Books, or Writings, by Writ to be issued by such Judge or Commissioner in such and the same

same Form, or as nearly as may be, as that in which a Writ of Subpœna ad testificandum or of Subpœna duces tecum is now issued by Her Majesty's Court of Queen's Bench at Dublin; and that every Person disobeying any such Writ so to be issued by the said Judge or Commissioner shall be considered as in contempt of the said Court of Admiralty, and may be punished for such Contempt in the said Court.

Subpœna. 3 & 4 Vict. c. 65. s. 9.

37. The Judge of the Court of Admiralty may and he is hereby empowered, from Time to Time and as and when he may think fit, to appoint any Person practising as a Solicitor, Attorney, or Notary Public in any Part of Ireland to administer Oaths, and take Declarations, Affirmations, and Attestations in or relating to any Matter, Suit, or Proceeding in the Court of Admiralty; and such Person shall be styled "Commissioners to administer Oaths in Admiralty," and shall be entitled to charge and take a Fee of *One Shilling and Sixpence* for every Oath administered by them, and for every Declaration, Affirmation, and Attestation taken by them, subject to any Order of the Judge of the said Court varying or annulling the same.

Judge of Admiralty may appoint Solicitors, &c., to administer Oaths, &c. 17 & 18 Vict. c. 78. s. 3.

38. *The Fiat or Document by which any such Commissioner shall be appointed shall bear a Stamp of* One Pound, *and it shall not be necessary that any such Appointment should be published in the Dublin Gazette.*

Commissioner's appointment to bear a Stamp of One Pound. 17 & 18 Vict. c. 78. s. 4.

39. It shall not be necessary to sue out any Commission to take the personal Answers of any Party in any Matter, Suit, or Proceeding in the said Court of Admiralty; and any such Answers may be filed without any further or other Formality than is required in the swearing and filing of an Affidavit.

Personal Answers may be taken without a Commission. 17 & 18 Vict. c. 78. s. 5.

40. It shall not be necessary to sue out any Commission for the Examination of any Witnesses in any Matter, Suit, or Proceeding in the said Court; and any Examiner appointed by any Order of the said Court shall have the like Power of administering Oaths as Commissioners now have under Commissions issued by the Court for the Examination of Witnesses.

Commission for Examination of Witnesses dispensed with, and Examiners empowered to administer Oaths. 17 & 18 Vict. c. 78. s. 6.

41. All Answers, Examinations, Affidavits, Depositions on Oath, Declarations, Affirmations, and Attestations in or relating to any Matter, Suit, or Proceeding in the said Court of Admiralty may be sworn and taken in Ireland before any such Commissioner appointed as aforesaid, or before any Magistrate or Justice of the Peace, or before any Commissioner to administer Oaths in Chancery.

Answers, Affidavits, &c., how to be sworn and taken in Ireland. 17 & 18 Vict. c. 78. s. 7.

Answers, Affidavits, &c., how to be sworn and taken out of Ireland. 17 & 18 Vict. c. 78. s. 8.

42. All Answers, Examinations, Affidavits, Depositions on Oath, Declarations, Affirmations, and Attestations in or relating to any Matter, Suit, or Proceeding in the said Court of Admiralty may be sworn and taken in England, Scotland, or the Isle of Man, or the Channel Islands, or any of them, or in any Colony, Island, Plantation, or Place under the Dominion of Her Majesty in Foreign Parts, before any Judge, Court, Magistrate, Notary Public, or Person lawfully authorized to administer Oaths in such Country, Island, or Plantation, or Place respectively, or before any of Her Majesty's Consuls or Vice-Consuls in any Foreign Parts out of Her Majesty's Dominions; and the Judge and other Officers of the said Court of Admiralty shall take judicial Notice of the Seal or Signature, as the Case may be, of any such Judge, Court, Magistrate, Notary Public, Person, Consul, or Vice-Consul attached, appended, or subscribed to any such Answers, Examinations, Affidavits, Depositions on Oath, Declarations, Affirmations, and Attestations, or the Documents to be used in the said Court.

Penalties for false swearing. 17 & 18 Vict. c. 78. s. 9.

43. All Persons swearing, declaring, affirming, or attesting before any Person authorized by this Act to administer Oaths and take Declarations, Affirmations and Attestations shall be liable to all such Penalties, Punishments and Consequences for any wilful and corrupt false swearing, declaring, affirming, or attesting contained therein, as if the Matter sworn, declared, affirmed, or attested before any Court or Person now by Law authorized to administer Oaths and take Declarations, Affirmations, and Attestations.

Penalty for forging Signature or Seal of Judge, &c. empowered to administer Oaths under this Act. 17 & 18 Vict. c. 78. s. 10.

44. If any Person shall forge the Signature or the official Seal of any such Commissioner, Judge, Court, Magistrate, Notary Public, or other Person lawfully authorized to administer Oaths and take Declarations, Affirmations, or Attestations under this Act, or shall tender in Evidence any Answers, Examination, Deposition on Oath, Declaration, Affirmation, Attestation, or other judicial or official Document with a false or counterfeit Signature or Seal of any such Commissioner, Judge, Court, Magistrate, Notary Public, or other Person authorized as aforesaid, attached or appended thereto, knowing the same Signature or Seal to be false or counterfeit, every such Person shall be guilty of Felony, and shall be liable to the same Punishment as any Offender under an Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled "An Act to facilitate the Admission in Evidence of certain official and other Documents."

Power of Judge to issue Com-

45. Nothing herein contained shall abridge or lessen the Power of the Judge of the said Court of Admiralty, as it now exists, to issue

issue Commissions as heretofore, and to appoint fit Persons to administer Oaths, take Affidavits, Depositions on Oath, Declarations, Affirmations, and Attestations, and generally to execute any Commissions, nor shall affect in any Manner the Power of the Judge to administer Oaths and take Affidavits, Depositions on Oath, Declarations, Affirmations, and Attestations as heretofore, in or relating to any Matter, Suit, or Proceeding in the said Court.

missions as heretofore, to administer Oaths, &c 17 & 18 Vict. c. 78. s. 12.

(3.) *Issues and New Trials.*

46. In any contested Cause depending in the said Court of Admiralty the said Court shall have Power, if it shall think fit, to cause any Question of Fact arising in any such Cause to be tried by a Special or Common Jury before the Court itself, or by means of an Issue to be directed to any of the Superior Courts of Common Law, in the same Manner as an Issue may be directed by the Court of Chancery.

Power to try Questions of Fact and to direct Issues. 20 & 21 Vict. c. 79. s. 41.

47. When the Court shall order a Question of Fact to be tried before itself by a Jury the Court may make all such Rules and Orders upon the Sheriff or any other Person for procuring the Attendance of a Special or Common Jury for the Trial of such Question as may now be made by any of the Superior Courts of Common Law at Dublin, and may also make any other Orders which to such Court may seem requisite; and every such Jury shall consist of Persons possessing the like Qualifications and shall be struck, summoned, ballotted for, and called in like Manner as if such Jury were a Jury for the Trial of any Cause in any of the said Superior Courts; and every Juryman so summoned shall be entitled to the same Rights and subject to the same Duties and Liabilities as if he had been duly summoned for the Trial of any such Cause in any of the said Superior Courts; and every Party to any such Proceeding shall be entitled to the same Rights as to challenge and otherwise as if he were a Party to any such Cause; and generally for all Purposes of or auxiliary to the Trial of Questions of Fact by a Jury before the Court itself, and in respect of new Trials thereof, and also for all Purposes in relation to or consequential upon the Direction of Issues, the Court of Admiralty shall have the same Jurisdiction, Powers, and Authority in all respects as belong to any Superior Court of Common Law, or to any Judge thereof, or to the High Court of Chancery or any Judge thereof, for the like Purposes.

Powers of the Court for the Trial of Questions by a Jury. 20 & 21 Vict. c. 79. s. 42.

48. When any such Question shall be so ordered to be tried by a Jury before the Court itself, such Question shall be reduced into Writing

Question to be stated and

Jury sworn to try it. 20 & 21 Vict. c. 79. s. 43.

Writing in such Form as the Court shall direct, and at the Trial the Jury shall be sworn to try the said Question, and a true Verdict to give thereon according to the Evidence; and upon every such Trial the Court of Admiralty shall have the same Powers, Jurisdiction, and Authority as belong to any Judge of the said Superior Courts sitting at Nisi Prius.

Court to have the same Authority as a Judge at Nisi Prius.

Court may direct Issues to try any Fact. 20 & 21 Vict. c. 79. s. 44.

49. When the Court of Admiralty directs an Issue it shall be lawful for such Court to direct such Issue to be tried in any Court of Common Law, and either before a Judge of Assize in any County, or at the Sittings for the Trial of Causes in Dublin, and either by a Special or Common Jury, in like Manner as is now done by the Court of Chancery.

Costs of Issues and of Commissions in Discretion of Court. 3 & 4 Vict. c. 65. s. 12.

50. The Costs of such Issues or of such Commission as aforesaid, as the Judge shall under this Act direct, shall be paid by such Party or Parties, Person or Persons, and be taxed by the Registrar of the said Court of Admiralty in such Manner as the said Judge shall direct, and Payment of such Costs shall be enforced in the same Manner as Costs between Party and Party may be enforced in other Proceedings in the said Court.

Record of the Issue to be with the Registrar. 3 & 4 Vict. c. 65. s. 16.

51. The Record of each such Issue and of the Verdict therein shall be transmitted by the proper Officer to the Registrar of the said Court of Admiralty; and the Verdict of the Jury upon any such Issue (unless the same shall be set aside) shall be conclusive upon the said Court, and upon the Parties, and in all further Proceedings in the Cause in which such Fact is found the said Court shall assume such Fact to be as found by the Jury.

Party in Court of Admiralty may apply for an Order for Inspection by Jurors. 24 Vict. c. 10. s. 18. See 17 & 18 Vict. c. 105. s. 58.

52. Any Party in a Cause in the Court of Admiralty shall be at liberty to apply to the said Court for an Order for the Inspection by the Nautical Assessors or others appointed for the Trial of any Cause, or by the Party himself or his Witnesses, of any Ship or other Personal or Real Property the Inspection of which may be material to the Issue of the Cause, and the Court may make such Order in respect of the Costs arising thereout as to it shall seem fit.

Admission of Documents. 24 Vict. c. 10. s. 19.

53. Any Party in a Cause in the Court of Admiralty may call on any other Party in the Cause by Notice in Writing to admit any Document, saving all just Exceptions; and in case of Refusal or Neglect so to admit, the Costs of proving the Document shall be paid by the Party so neglecting or refusing, whatever the Result of the

the Cause may be, unless at the Trial the Judge shall certify that the Refusal to admit was reasonable.

(4.) *Other Branches of Practice and Procedure.*

Power of Court of Admiralty when personal Service of Citation has not been effected to order Parties to proceed. 24 Vict. c. 10. s. 20.

54. Whenever it shall be made to appear to the Judge of the Court of Admiralty that reasonable Efforts have been made to effect personal Service of any Citation, Monition, or other Process issued under Seal of the said Court, and either that the same has come to the Knowledge of the Party thereby cited or monished, or that he wilfully evades Service of the same and has not appeared thereto, the said Judge may order that the Party on whose Behalf the Citation, Monition, or other Process was issued be at liberty to proceed as if personal Service had been effected, subject to such Conditions as to the Judge may seem fit, and all Proceedings thereon shall be as effectual as if personal Service of such Citation, Monition, or other Process had been effected.

As to Services being out of Ireland. 24 Vict. c. 10. s. 21.

55. The Service in any Part of the United Kingdom of any Writ of Subpœna ad testificandum or Subpœna duces tecum, issued under Seal of the Court of Admiralty, shall be as effectual as if the same had been served in Ireland.

Decrees and Orders of Court of Admiralty to have Effect of Judgments at Common Law. 24 Vict. c. 10. s. 15.

56. All Decrees and Orders of the Court of Admiralty, whereby any Sum of Money or any Costs, Charges, or Expenses shall be payable to any Person, shall have the same Effect as Judgments in the Superior Courts of Common Law; and the Persons to whom any such Monies or Costs, Charges, or Expenses shall be deemed Judgment Creditors, and all Powers of enforcing Judgments possessed by the Superior Courts of Common Law or any Judge thereof, with respect to Matters depending in the same Courts, as well against the Ships and Goods arrested as against the Person of the Judgment Debtor, shall be possessed by the said Court of Admiralty with respect to Matters therein depending; and all Remedies at Common Law possessed by Judgment Creditors shall be in like Manner possessed by Persons to whom any Monies, Costs, Charges, or Expenses are by such Orders or Decrees of the said Court of Admiralty directed to be paid.

As to Claims to Goods taken in Execution. 24 Vict. c. 10. s. 16.

57. If any Claim shall be made to any Goods or Chattels taken in Execution under any Process of the Court of Admiralty, or in respect of the Seizure thereof, or any Act or Matter connected therewith, or in respect of the Proceeds or Value of any such Goods or Chattels by any Landlord for Rent, or by any Person not being the Party against whom the Process has issued, the Registrar of the said

Court may, upon Application of the Officer charged with the Execution of the Process, whether before or after any Action brought against such Officer, issue a Summons calling before the said Court both the Party issuing such Process and the Party making the Claim; and thereupon any Action which shall have been brought in any of Her Majesty's Superior Courts of Record, or in any local or inferior Court, in respect of such Claim, Seizure, Act, or Matter as aforesaid shall be stayed, and the Court in which such Action shall have been brought, or any Judge thereof, on Proof of the Issue of such Summons, and that the Goods and Chattels were so taken in Execution, may order the Party bringing the Action to pay the Costs of all Proceedings had upon the Action after Issue of the Summons out of the said Court of Admiralty, and the Judge of the said Court of Admiralty shall adjudicate upon the Claim, and make such Order between the Parties in respect thereof, and of the Costs of the Proceedings, as to him shall seem fit; and such Order shall be enforced in like Manner as any Order made in any Suit brought in the said Court. Where any such Claim shall be made as aforesaid the Claimant may deposit with the Officer charged with the Execution of the Process either the Amount or Value of the Goods claimed, the Value to be fixed by Appraisement in case of dispute, to be by the Officer paid into Court to abide the Decision of the Judge upon the Claim, or the Sum which the Officer shall be allowed to charge as Costs for keeping Possession of the Goods until such Decision can be obtained; and in default of the Claimant so doing the Officer may sell the Goods as if no such Claim had been made, and shall pay into Court the Proceeds of the Sale to abide the Decision of the Judge.

As to the Hearing of Causes and Cross Causes.
24 Vict. c. 10. s. 34.

58. The Court of Admiralty may on the Application of the Defendant in any Cause of Damage, and on his instituting a cross Cause for the Damage sustained by him in respect of the same Collision, direct that the principal Cause and the cross Cause be heard at the same Time and upon the same Evidence; and if in the principal Cause the Ship of the Defendant has been arrested, or Security given by him to answer Judgment, and in the cross Cause the Ship of the Plaintiff in the principal Cause cannot be arrested, and Security has not been given to answer Judgment therein, the Court may, if it think fit, suspend the Proceedings in the principal Cause until Security has been given to answer Judgment in the cross Cause.

Part IV.—Appeals.

Appeal to the Court of

59. From and after the Time when this Act shall come into operation no Appeal shall be brought from the Court of Admiralty to

to Her Majesty's Delegates in the Court of Chancery in Ireland, commonly called the High Court of Delegates in Ireland.

Delegates abolished.

See 19 & 20 Vict. c. 92. s. 10.

60. Any Person considering himself aggrieved by any final or interlocutory Sentence, Decree, or Order of the Court of Admiralty may appeal therefrom to the Court of Appeal in Chancery in Ireland, and from thence to Her Majesty in Council: Provided nevertheless, that any such Appeal from the Court of Admiralty may be brought to Her Majesty in Council in the first instance without interposing any Appeal to the said Court of Appeal in Chancery; and provided always, that no Appeal from any interlocutory Order of the Court of Admiralty shall be made without leave of the Court of Admiralty first obtained, but on the Hearing of and Appeal from any final Sentence or Decree all interlocutory Orders complained of shall be considered as under Appeal as well as the final Decree.

Appeal given to Court of Appeal in Chancery and Privy Council.

See 20 & 21 Vict. c. 79. s. 45.

61. From and after the Time when this Act shall come into operation all the Jurisdiction which is now possessed and exercised by the High Court of Delegates in Ireland, or which but for the passing of this Act would be possessed and exercised by that Court in respect of Appeals from the said Court of Admiralty, and all Powers and Authorities incident to such Jurisdiction now exercised and performed by the said High Court of Delegates shall, subject to the Provisions of this Act, be exercised and performed by the said Court of Appeal in Chancery in relation to Appeals under this Act.

Powers and Jurisdiction of the Court of Appeal.

19 & 20 Vict. c. 93. s. 8.

62. The Lord Chancellor and Lord Justice of Appeal in Ireland for the Time being may from Time to Time make, rescind, and vary General Orders for regulating the Form and Mode of Procedure on Appeals from the Court of Admiralty to the said Court of Appeal in Chancery, and for regulating the Costs, Fees, and Allowances to be paid or allowed to Solicitors or other Persons respecting such Appeals; and such Orders shall take effect at such Times as may be therein specified, or in default of such Specification from the Time of making thereof.

Power to the Court of Appeal in Chancery to make Rules.

19 & 20 Vict. c. 92. s. 24.

63. The said Court of Appeal in Chancery shall, on the Hearing of any Appeal from the Court of Admiralty, have Power to call to its Assistance one or more Nautical Assessors, to be selected by the said Court of Appeal in Chancery; and the Advice and Opinion of such Nautical Assessor or Assessors may be taken by the said Court of Appeal in Chancery in the same Manner, upon such Questions, and for such Objects as the Advice and Opinion of any Nautical Assessor now is or may be taken by the Judicial Committee of the Privy Council in Appeals brought from the High Court of Admiralty of England; and the said Court of Appeal in Chancery shall have

Power to the Court of Appeal in Chancery to call in Nautical Assessors.

Power to direct what Remuneration shall be paid to each such Assessor for his Attendance on the Hearing of any such Appeal, and such Remuneration shall be paid accordingly by such of the Parties to the Appeal as the Court of Appeal in Chancery shall in that Behalf direct.

Evidence in the Court of Appeal in Chancery may be taken vivâ voce or upon written Depositions. 3 & 4 W. 4. c. 41. s. 7.

64. In any Appeal which shall come before the said Court of Appeal in Chancery by virtue of this Act the said Court of Appeal in Chancery may examine Witnesses by Word of Mouth (and either before or after Examination by Deposition), or direct that the Depositions of any Witness shall be taken in Writing by the Registrar or by such other Person or Persons and in such Manner as the said Court of Appeal in Chancery shall direct.

Court of Appeal in Chancery may order any particular Witness to be examined, and as to any particular Facts, and may remit the Cause for Re-hearing. 3 & 4 W. 4. c. 41. s. 8.

65. In any Appeal which shall come before the said Court of Appeal in Chancery by virtue of this Act the same Court may direct that such Witnesses shall be examined or re-examined, and as to such Facts as to the same Court shall seem fit, notwithstanding any such Witness may not have been examined or no Evidence may have been given on any such Facts in a previous Stage of the Matter; and may remit the Cause to the Court of Admiralty and at the same Time direct that the said Court of Admiralty shall re-hear such Cause in such Form and either generally or upon certain Points only, and upon such re-hearing take such additional Evidence though before rejected, or reject such Evidence before admitted, as the Court of Appeal in Chancery shall direct. And further, on any such remitting or otherwise, the Court of Appeal in Chancery may direct one or more Issue or Issues to be tried in any Court in any of Her Majesty's Dominions abroad for any Purpose for which such Issue or Issues shall to the said Court of Appeal in Chancery seem proper.

Witnesses to be examined on Oath and to be liable to Punishment for Perjury. 3 & 4 W. 4. c. 4. s. 9.

66. Every Witness who shall be so examined in pursuance of this Act shall give his or her Evidence upon Oath, or in Cases in which an Affirmation is allowed by Law to be substituted for an Oath upon solemn Affirmation, which Oath and Affirmation respectively shall be administered by the Court of Appeal in Chancery, and the Registrar thereof, or such other Person and Persons as the said Court of Appeal in Chancery shall direct; and every such Witness who shall wilfully swear or affirm falsely shall be deemed guilty of Perjury and shall be punished accordingly.

Court of Appeal in Chancery may direct an Issue to

67. The said Court of Appeal in Chancery may direct one or more Issue or Issues to be tried in any Court of Common Law, and either at bar, before a Judge of Assize, or at the Sittings for the Trial

Trial of Issues in Dublin, and either by a Special or Common Jury, in like Manner and for the same Purpose as is now done by the High Court of Chancery of Ireland.

try any Fact. 3 & 4 W. 4. c. 41. s. 10.

68. It shall be in the Discretion of the said Court of Appeal in Chancery to direct that on the Trial of any Issue directed by it as aforesaid the Depositions already taken of any Witness who shall have died, or who shall be incapable to give oral Testimony, shall be received in Evidence; and further, that such Deeds, Evidences, and Writings shall be produced, and that such Facts shall be admitted, as to the said Court of Appeal in Chancery shall seem fit.

Court of Appeal in Chancery may in certain Cases direct Depositions to be read at the Trial of the Issue. 3 & 4 W. 4. c. 41. s. 11.

69. The said Court of Appeal in Chancery may make such and the like Orders respecting the Admission of Persons, whether Parties or others, to be examined as Witnesses upon the Trial of any such Issue directed by it as aforesaid, as the Lord Chancellor or the Court of Chancery of Ireland has been used to make respecting the Admission of Witnesses upon the Trial of Issues directed by the Lord Chancellor or the Court of Chancery in Ireland.

May make such Orders as to the Admission of Evidence as are made by the Court of Chancery. 3 & 4 W. 4. c. 41.s. 12.

70. The said Court of Appeal in Chancery may direct One or more new Trial or Trials of any Issue, either generally or upon certain Points only; and in case any Witness examined at a former Trial of the same Issue shall have died, or have, through bodily or mental Disease or Infirmity, become incapable to repeat his Testimony, the said Court of Appeal in Chancery may direct that parol Evidence of the Testimony of such Witness shall be received.

And may direct new Trials of Issues. 3 & 4 W. 4. c. 41. s. 13.

71. All the Powers and Provisions contained in the Thirteenth of George the Third, Chapter Sixty-three, and First of William the Fourth, Chapter Twenty-two, for the Examination of Witnesses, shall, with reference to Cases of Appeal from the said Court of Admiralty, extend to and be exercised by the said Court of Appeal in Chancery, as if that Court had been therein named as One of His Majesty's Courts of Law at Westminster.

Powers, &c. of 13 G. 3. c. 63. and 1 W. 4. c. 22, with regard to Examination of Witnesses extended to the Court of Appeal in Chancery. 3 & 4 W. 4. c. 41. s. 14.

72. The Costs incurred in the Prosecution of any Appeal preferred to the said Court of Appeal in Chancery under the Provisions of this Act, and of such Issues as the same Court shall under this Act direct, shall be paid by such Party or Parties, Person or Persons, and be taxed by the Registrar, or such other Person or Persons to be appointed by the same Court, and in such Manner as the said Court shall direct.

Costs to be in the Discretion of the Court of Appeal in Chancery. 3 & 4 W. 4. c. 41. s. 15.

73. The Court of Appeal in Chancery may require the Attendance of any Witnesses, and the Production of any Deeds, Evidences, or

Attendance of Witnesses and Pro-

duction of Papers may be enforced by Supœna. 3 & 4 W. 4. c. 41. s. 19.

or Writings, by Writ, to be issued by the said Court, in such and the same Form, or as nearly thereto as may be, as that in which a Writ of Subpœna ad testificandum or of Subpœna duces tecum is now issued by Her Majesty's Court of Queen's Bench at Dublin; and every Person disobeying any such Writ so to be issued by the said Court of Appeal in Chancery shall be considered as in contempt of the same Court, and shall also be liable to such and the same Penalties and Consequences as if such Writ had issued out of the said Court of Queen's Bench, and may be sued for such Penalties in the same Court.

Time of appealing to Court of Appeal in Chancery. 3 & 4 W. 4. c. 41. s. 20.

74. No Appeal to the said Court of Appeal in Chancery from the said Court of Admiralty shall be brought unless within *Fourteen Days* after the Decree or Order appealed from, and unless Notice of such Appeal has been given to the opposite Party in the Cause, and filed in the Registry.

The Privy Council empowered to determine Appeals under this Act. 3 & 4 Vict. c. 65. s. 17.

75. All the Provisions contained in the several Acts for the Time being in force relating to the Appellate Jurisdiction of Her Majesty's Privy Council in England, and the Administration of Justice therein, shall, so far as the same shall be applicable and consistent with the Provisions of this Act, be deemed to extend to Appeals preferred to Her Majesty in Council by virtue of the Provisions of this Act; and the Proceedings on all such Appeals shall, so far as practicable and consistent with the Provisions of this Act, be proceeded with in the same Manner as Appeals from the High Court of Admiralty of England.

Bail given in the Court of Admiralty good in the Court of Appeal. 24 Vict. c. 10. ss. 32. 33.

76. In any Cause in the said Court of Admiralty Bail may be taken to answer the Judgment as well of the said Court as of the Court of Appeal, and the said Court of Admiralty may withhold the Release of any Property under its Arrest until such Bail has been given; and in any Appeal from any Decree or Order of the Court of Admiralty, or of the said Court of Appeal in Chancery in any Appeal thereto preferred by virtue of this Act, the Court to which such Appeal shall be brought may make and enforce its Order against the Surety or Sureties who may have signed any such Bail Bond, in the same Manner as if the Bail had been given in the Court of Appeal.

Certified Notes of Evidence may be admitted on Appeal. 3 & 4 Vict. c. 65. s. 17.

77. In any Appeal preferred by virtue of this Act the Notes of Evidence taken, as herein-before provided by or under the Direction of the Judge of the Court of Admiralty, shall be certified by the Judge to the Court to which such Appeal is preferred, and shall be admitted to prove the oral Evidence given in the Court of Admiralty; and

and no Evidence shall be admitted on such Appeal to contradict the Notes of Evidence so taken and certified as aforesaid: Provided always, that nothing herein contained shall enure to prevent the Court of Appeal in Chancery or the Judicial Committee of the Privy Council from directing Witnesses to be examined and re-examined upon such Facts as to the said Court of Appeal in Chancery or the Judicial Committee shall seem fit.

Notes of Evidence on Appeal to Court of Appeal in Chancery to be certified to the Privy Council.

78. In any Appeal preferred by virtue of this Act from the said Court of Appeal in Chancery, the Notes of Evidence (if any) taken by or under the Direction of that Court shall be certified by the Lord Chancellor to the said Judicial Committee of the Privy Council, and no Evidence shall be admitted on such Appeal to contradict the Notes of Evidence so taken and certified as last aforesaid; but nothing herein contained shall enure to prevent the said Judicial Committee from directing Witnesses to be examined and re-examined upon such Facts as to the said Judicial Committee shall seem fit.

Part V. Establishment.

The present Registrar and Marshal enabled to hold their Offices as heretofore.

79. The Persons respectively filling the Offices of Registrar and Marshal of the Court of Admiralty at the Time when this Act shall come into operation may continue to hold their respective Offices as heretofore during Her Majesty's Pleasure.

Future Appointment of Registrar. 24 Vict. c. 10. s. 27.

80. Any Registrar of the Court of Admiralty who shall hereafter be appointed shall be an Advocate, Barrister-at-Law, Proctor, Solicitor, or Attorney of Ten Years Standing at the least.

Officers not to execute their Duties by Deputy, except in Case of Illness, &c.

81. From and after the coming of this Act into operation the Registrar and all other Officers of the said Court of Admiralty shall perform their Duties in person and not by Deputy, except in case of temporary Illness or other reasonable Cause allowed by the Judge: Provided always, that in case any Officer of the said Court of Admiralty shall be prevented by temporary Illness or other reasonable Cause allowed as aforesaid from attending to his Duties, the Judge may appoint a fit and proper Person to act as the Deputy of such Officer; and no such Deputy shall continue to act for any longer Time than shall be allowed and specified in and by the Order to be made on each such Occasion by the Judge; and all the Powers and Authorities of the Officer in whose Place any such Deputy shall be appointed may be exercised by such Deputy during the Time while he shall be so authorized to act as aforesaid. 3 & 4 Vict. c. 66. ss. 9. 10.

No Officer of the Court to practise therein. 20 & 21 Vict. c. 79. s. 26.

82. No Registrar or Deputy Registrar, if such Deputation continue for any Time longer than One Calendar Month, nor the Marshal, nor any Officer or Clerk of the said High Court of Admiralty, shall, during the Time of his holding such Office, directly or indirectly practise as an Advocate, Barrister, Proctor, Solicitor, or Attorney in the said Court, or receive or participate in the Fees of any other Persons so practising therein.

The Registrar to be Secretary of the Judge and Seal Keeper.

83. The Registrar of the Court of Admiralty shall be and he is hereby constituted and appointed Secretary of the Judge and Seal Keeper of the said Court of Admiralty.

Registrar to attend the Court of Appeal in Chancery.

84. The Registrar of the said Court of Admiralty shall attend the Hearing by the said Court of Appeal in Chancery of all Appeals preferred thereto by virtue of this Act, and (subject to any Order of the said Court of Appeal in Chancery) shall transact and do all such Acts and Things as have heretofore been done by the Registrar of Appeals and Provocations Spiritual in the High Court of Delegates in Ireland in Cases of Appeal to that Court from the said Court of Admiralty.

Power to the Registrar to appoint a Clerk and to the Judge to appoint and remove Servants.

85. The Registrar may, subject to the Approbation of the Judge, appoint a Clerk to assist in the Duties of the Registrar's Office, and may with such Approbation as last aforesaid remove such Clerk from his Employment, and the Judge may appoint such Servants as may be necessary for the Business of the said Court of Admiralty, and may remove such Servants; and the Remuneration of such Clerk and Servants shall be fixed by the Commissioners of Her Majesty's Treasury, on the Recommendation of the Judge.

Part VI.—Stamps substituted instead of Fees.

Lord Chancellor may, with Assent of the Commissioners of the Treasury, vary, alter, or abolish Fees. 17 & 18 Vict. c. 78. s. 14.

86. *The Lord Chancellor, with the Assent of the Commissioners of Her Majesty's Treasury, may by Order from Time to Time vary, alter, or abolish all or any of the Fees payable in relation to Proceedings in the Court of Admiralty, and may substitute One or more Fee or Fees in lieu thereof.*

From 1st January 1866, Judge, Registrar, &c. not to receive Fees on their own Account. 3 & 4 Vict. c. 66. s. 18.

87. From and after the Commencement of this Act no Officer of the said Court of Admiralty shall be entitled to or take for his own Use or Benefit, directly or indirectly, any Fee or Emolument whatsoever, save the Salary to which he shall be entitled by virtue of this Act.

88. *From*

After 1st January 1866, Fees payable to the Offices of Judge, Registrar, &c. to be collected by Stamps.

88. *From and after the Commencement of this Act the Fees payable in relation to Proceedings in the Court of Admiralty shall not be received in Money, but shall be collected by means of Stamps.*

Fees collected by Stamps under this Act to be Stamp Duties. 24 & 25 Vict. c. 91. s. 28.

89. *The Fees to be collected by means of Stamps under this Act shall be deemed Stamp Duties, and shall be under the Management of the Commissioners of Inland Revenue.*

Stamps to be impressed or adhesive, as the Commissioners of the Treasury shall direct.

90. *The Stamps to be used under this Act shall be impressed or adhesive, as the Commissioners of Her Majesty's Treasury shall from Time to Time direct.*

Commissioners of the Treasury, with Concurrence of the Judge, may make Rules regulating the Use and Application of Stamps and the Cancellation of adhesive Stamps.

91. *The Commissioners of Her Majesty's Treasury, with the Concurrence of the Judge of the Court of Admiralty, may from Time to Time make such Rules as may seem fit for regulating the Use of Stamps under this Act, and particularly for prescribing the Application thereof to Documents from Time to Time in use or required to be used for the Purposes of such Stamps, and for ensuring the proper Cancellation of adhesive Stamps.*

No Document to be received or used unless stamped. 17 & 18 Vict. c. 78. s. 20.

92. *No Document which by any Order as aforesaid ought to have had a Stamp impressed thereon or affixed thereto shall be received or filed or be used in relation to any Proceeding in the Court of Admiralty, or be of any Validity for any Purpose whatsoever, unless or until the same shall have a Stamp impressed thereon or affixed thereto in the Manner directed by such Order: Provided always, that if at any Time it shall appear that any such Document which ought to have had a Stamp impressed thereon or affixed thereto has through Mistake or Inadvertence been received or filed or used without having such Stamp impressed thereon or affixed thereto, the Judge may, if he shall think fit, order that a Stamp not exceeding in Value Four Times the Amount of such original Stamp shall be impressed thereon or affixed thereto, and thereupon, when the proper Stamp shall in compliance with such Order have been impressed on such Document or affixed thereto, such Document and every Proceeding in reference thereto shall be as valid and effectual as if such Stamp had been impressed thereon or affixed thereto in the first instance.*

Officers guilty of Fraud or wilful Neglect in relation to Stamps liable to be dismissed. 17 & 18 Vict. c. 78. s. 21.

93. If any Officer of the Court of Admiralty or other Person shall do or commit or connive at any fraudulent Act or Practice in relation to any Stamp to be used under the Provisions of this Act, or to any Fee or Sum of Money to be collected or which ought to be collected by means of any such Stamp, or if any such Officer or Person shall be guilty of any wilful Act, Neglect, or Omission in relation to any such Stamp or Fee as aforesaid, whereby any Fee or

Sum of Money which ought to be collected shall be lost or the Payment thereof evaded, any such Officer or Person so offending may be dismissed from his Office or Employment by the Judge of the said Court of Admiralty.

Retiring Pension of the present Judge.

94. *The said Thomas Frederick Kelly (the present Judge of the said Court of Admiralty) shall be entitled to be paid an Annuity of* Five hundred Pounds *per Annum, to be payable quarterly out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and to commence at the Time when this Act shall come into operation, and to continue during his Life, and the said Thomas Frederick Kelly shall not be entitled to any other Pension, Salary, or Allowance in respect of his said Office.*

Registrar to be paid by Salary. 3 & 4 Vict.

95. And whereas the present Manner of remunerating the Registrar and the Marshal of the Court of Admiralty ought not to be continued, and it is expedient to make other Provision for the same, and for defraying the other Expenses incidental to the said Court, be it also enacted as follows:

There shall be paid to the Registrar of the Court of Admiralty the yearly Salary of Five hundred Pounds, *instead of all Fees, Dues, Perquisites, Emoluments, and Profits herein-before received by or on account of such Registrar or of the Seal Keeper of the said Court of Admiralty.*

The Marshal to be paid Salary. 3 & 4 Vict. c. 66. s. 5.

96. *The Marshal of the Court of Admiralty shall be paid a yearly Salary of* Four hundred Pounds, *besides such Travelling and other Expenses necessarily incurred in the Execution of his Duty, as the Judge, with the Approbation of the Commissioners of Her Majesty's Treasury, shall allow, instead of all Fees, Dues, Perquisites, Emoluments, and Profits heretofore received by or on account of such Marshal.*

The Surrogate or Deputy to be remunerated by the Treasury.

97. *The Surrogate or Deputy to be appointed by the Judge as aforesaid shall be paid such Remuneration as the Judge, with the Approbation of the Commissioners of Her Majesty's Treasury, shall allow, provided that the same shall not exceed in any One Year the Sum of* One hundred Pounds.

Salaries of Officers, &c. to be payable out of Aids, &c. voted by Parliament. 17 & 18 Vict. c. 94.

98. *The several Salaries and Emoluments payable to the Officers and Servants of the said Court of Admiralty, and the Remuneration of the Surrogate, and all necessary Expenses of the said Court of Admiralty, except such Annuity as is herein-before charged on the Consolidated Fund, shall be paid by the Commissioners of Her Majesty's*

Majesty's Treasury out of such Monies as may be from Time to Time provided and appropriated by Parliament for that Purpose.

Power to the present Registrar to retire on Compensation.

99. And whereas John Anster Esquire, Doctor of Laws, has filled the Office of Registrar of the Court of Admiralty for upwards of Twenty-eight Years, it is hereby enacted, That if the said John Anster shall desire to retire from his said Office and shall resign the same, there shall be paid to the said John Anster, by way of retiring Pension, such Annuity as the Lords Commissioners of Her Majesty's Treasury may deem just and proper, not exceeding the Average of of the net annual Profits of his said Office for the *Five Years* ending Thirty-first December One thousand eight hundred and sixty-five, to commence from the Day when he shall so resign his said Office, and to continue during his Life: Provided always, that in case the said John Anster shall not desire to retire from the said Office of Registrar he shall receive in lieu of Fees and Emoluments a Salary, to commence from the Day when this Act shall come into operation, equivalent to the net annual Profits of his Office for Five Years next preceding the passing of this Act, ascertained as aforesaid, instead of the Salary of *Five hundred Pounds* per Annum herein-before mentioned.

Compensation to the Registrar of the Court of Delegates.

100. And whereas Joseph Hamilton Esquire, the present Registrar of Appeals and Provocations Spiritual in Ireland, will suffer Loss in his said Office by the Abolition of Appeals from the Court of Admiralty to the High Court of Delegates in Ireland, and the said Joseph Hamilton has held his said Office for upwards of Forty-three Years, there shall be paid to the said Joseph Hamilton by way of Compensation such Annuity as the Lords Commissioners of Her Majesty's Treasury may deem just and proper, not exceeding the Average of the net Profits of his said Office from Admiralty Appeals on an Average for the *Five Years* ending Thirty-first December One thousand eight hundred and sixty-five, to commence from the Day when this Act shall come into operation, and to continue during his Life.

Compensation of Proctors.
20 & 21 Vict. c. 85. s. 64.

101. And whereas the Number of Persons entitled to practise as Proctors of the said Court of Admiralty does not exceed Five Persons, and the Fees or Emoluments of the said Proctors may be damaged by the Abolition of the exclusive Rights and Privileges which they have hitherto enjoyed as such Proctors in the said Court: Be it enacted, That every Person who at the Time of the passing of this Act has been duly admitted and is practising as a Proctor in the High Court of Admiralty in Ireland, shall at the Expiration of *Two Years* from and after the Commencement of this Act be

entitled to make a Claim for Compensation to the Commissioners of Her Majesty's Treasury; and the said Commissioners, by Examination of Evidence on Oath (which they are hereby empowered to administer) or otherwise, as they shall think fit, shall inquire into and ascertain the Loss, if any, of Professional Gains and Profits in respect of Suits in such High Court of Admiralty, sustained by such Proctors respectively, upon a Comparison in each Case of the average clear Gains of the *Three Years* immediately before the Commencement of this Act arising from such last-mentioned Business, and the Average of the same Gains during the *Two Years* immediately succeeding the Commencement of this Act; and the said Commissioners shall in each Case, having regard to all the Circumstances, award a reasonable Compensation by way of Annuity to the Persons sustaining such Loss during their Lives, but in no Case shall such Annuity exceed One Half of the annual Loss so ascertained as aforesaid; *and such Annuities shall be paid out of Monies to be annually provided by Parliament for that Purpose;* and the Persons receiving the same shall be subject to the Provisions contained in the Nineteenth Section of the Act of Fourth and Fifth William the Fourth, Chapter Twenty-four: Provided always, that in the Case of a Proctor who holds the Office of Queen's Proctor, the Portion of his Business which he discharges for Her Majesty shall not be taken into account in estimating such Compensation.

Retiring Pensions and Compensations to be paid by Parliamentary Funds.

102. *The several retiring Pensions and Compensations granted by this Act shall be paid by the Commissioners of Her Majesty's Treasury out of such Monies as may be provided and appropriated by Parliament for the Purpose.*

Salaries and Annuities to be paid quarterly.
3 & 4 Vict. c. 66. s. 8.

103. The said Salaries and Annuities shall be paid by Four equal quarterly Payments on the Fifth Day of January, the Fifth Day of April, the Fifth Day of July, and the Tenth Day of October in every Year; provided that the Payment to be made in each Case on the first of the said quarterly Days which shall happen after the Accrual of the Right thereunto of the Person receiving the same under the Act shall be a rateable Proportion of a Quarter's Salary according to the Time then elapsed since the Accrual of such Right; and in case of Vacancy in the Office of any Registrar or Marshal, or of any Clerk, Officer, or Servant receiving a Salary under this Act, whose Salary is fixed by the Act of the Court of Admiralty, the Person making the Vacancy, his Executors or Administrators, shall be entitled to a proportional Part of his quarterly Salary according to the Time elapsed between the Vacancy and the last quarterly Payment.

104. It

Power to Treasury to order Pensions for retiring Officers. 17 & 18 Vict. c. 78. s. 22.

104. It shall be lawful for the Commissioners of Her Majesty's Treasury, on the Recommendation of the Judge of the Court of Admiralty, to order to be paid to any Person now or hereafter holding any Office or Employment in the said Court, who shall be afflicted with some permanent Infirmity disabling him from the due Execution of his Office, or shall be desirous of resigning the same, a Superannuation or Allowance; and in ascertaining and awarding the Amount of such Superannuation or Allowance, the said Commissioners shall proceed according to the Principle laid down in the "Superannuation Act, 1859."

Extent of Act.

105. This Act shall apply to Ireland only.

Admiralty Court (Ireland).

A

B I L L

To extend the Jurisdiction, alter and amend the Procedure and Practice, and to regulate the Establishment of the High Court of Admiralty in Ireland.

(*Prepared and brought in by Mr. Attorney General for Ireland and Mr. Solicitor General for Ireland.*)

Ordered, by The House of Commons, *to be Printed*, 2 *May* 1866.

[Bill 133.]

Under 4 *oz.*

A

B I L L

INTITULED

An Act for facilitating the public Exhibition of Works of Art in certain Exhibitions.

WHEREAS the Owners of Works of Art have shown great Willingness to lend them for public Exhibition: Preamble.

And whereas it has been proposed to hold Exhibitions of National Portraits by Means of Loans, and to contribute Works of Art now in this Country to the Universal Exhibition at Paris in One thousand eight hundred and sixty-seven:

And whereas it is expedient to facilitate the Loan of such Works of Art to the above-mentioned Exhibitions:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. The Owner for the Time being of any Work of Art may, without incurring any Responsibility for any consequent Loss or Injury, lend such Work to the Lord President for the Time being of Her Majesty's Most Honourable Privy Council, for any Period not exceeding Twelve Months, to be exhibited to the Public by him or by his Direction at the above-mentioned Exhibitions. Power to lend Works of Art for public Exhibition.

2. It

Due Precautions to be taken for Preservation of Works lent under Act.

2. It shall be the Duty of the Lord President to take due Precautions for the Preservation of all Works of Art lent to him in pursuance of this Act, but he shall not be personally liable for any Loss or Injury any Article may sustain.

Definition of "Owner for the Time being."

3. The Expression "Owner for the Time being" shall include Trustees of Museums and other Bodies of Persons, whether corporate or unincorporate, having in their Possession or under their Control Works of Art, on trust for any public Purpose, or for any Artistic or Scientific Society, or possessed thereof on behalf of themselves and their Successors; it shall also include any Tenant for Life or other Person beneficially entitled (otherwise than as Mortgagee) to the Possession or Enjoyment of Works of Art for Life or any other limited Period, and being of full Age.

Short Title of Act.

4. This Act may be cited for all Purposes as "The Art Act, 1866."

Art.

A

BILL

INTITULED

An Act for facilitating the public Exhibition of Works of Art in certain Exhibitions.

(*Brought from the Lords* 27 *February* 1866.)

Ordered, by The House of Commons, *to be Printed*, 10 *April* 1866.

[Bill 100.]

Under 1 *oz.*

Artizans and Labourers Dwellings Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

Preamble.

1. Short Title.
2. Application of Act.
3. Interpretation Clause.
4. Local Authority for Purposes of this Act.
5. Inspection of overcrowded Dwellings.
6. Report of Inspectors to be forwarded to Local Authority.
7. Plans and Estimates for Removal and rebuilding.
8. Ventilation, Lighting, and Sewage.
9. Public Works Loan Commissioners.
10. Compulsory Powers to take Land for Sites and Houses, and Compensation for same.
11. Contracts for building, repairing, lighting, watering, &c.
12. Ownership and Management of Dwellings.
13. Local Officers.
14. General Income and Expenditure under the Act.
15. Audit of Accounts.
16. Power to make Byelaws for the letting and Occupation of Dwellings.
17. Corporation, Vestry, or Board not to be personally liable.
18. Act may be amended, &c.

A

B I L L

TO

Provide better Dwellings for Artizans and Labourers.

WHEREAS by reason of Overcrowding in the Dwellings occupied by Working Men and their Families, and through the Inadequacy of Accommodation afforded therein, great Evils are known to prevail: And whereas it is expedient to make Provision for the building and Maintenance of better Dwellings for such Persons: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. That in citing this Act it shall be sufficient to use the Words "Artizans and Labourers Dwellings Act." Short Title.

2. That the Provisions of this Act shall apply to any Corporate City or Borough in England wherein any Municipal Council whatsoever exists, or to any District in which the Public Health Act, 1848, or any Act passed for the Amendment thereof, is in force, or to any Place being the District within the Limits of any Act for the paving, lighting, watching, draining, or otherwise improving of such Place, and to any Place in which a Vestry or District Board has Application of Act.

has been elected under the Provisions of the Metropolis Management Act, 1855.

Interpretation Clause.

3. That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say,—

"City" or "Borough" shall mean City, Borough, Port, Cinque Port, or Town Corporate:

"District" shall mean any Place being the District under a Local Board of Health, or under Improvement Commissioners:

"Ratepayers" shall mean all Persons assessed, whether to Borough Rate, Metropolis Local Management Rate, Improvement Rate, or General District Rate:

"Churchwardens" shall mean also Chapelwardens, or other Persons discharging the Duties of Churchwardens:

"Overseers" shall mean any Persons authorized and required to make and collect, or cause to be collected, the Rate for the Relief of the Poor of the Parish, or acting instead of Overseers of the Poor:

"Vestry" shall mean the Inhabitants of the Parish lawfully assembled in Vestry, or the Representatives of such Inhabitants duly elected under the Provisions of the Metropolis Management Act, or Select Vestry elected under the Fifty-ninth George the Third, Chapter Twelve, or elected under First and Second William the Fourth, Chapter Sixty, or elected under the Provisions of any Local Act of Parliament for the Government of any Parish by Vestries, in which Parishes it shall mean such Select Vestry, and shall also mean any Body of Persons, by whatever Name distinguished, acting by virtue of any Act of Parliament, Prescription, Custom, or otherwise, as or instead of a Vestry or Select Vestry:

"Board" shall mean, as regards the District of a Local Board of Health, such Local Board of Health for the Time being in Office, and acting as such Local Board of Health, and as regards the District within the Limits of such an Improvement Act, the Commissioners, Trustees, or other Body of Persons, by whatever Name distinguished, for the Time being in Office and acting in the Execution of such Act:

"Clerk" shall mean, as regards an incorporated Borough, the Town Clerk of such Borough, and as regards a District, the Clerk of the Local Board of such District, and as regards a Parish, the Clerk appointed pursuant to this Act by the Local Authority:

"Land"

"Land" shall mean Lands, Tenements, and Hereditaments, of whatsoever Nature or Tenure:

"Street" shall mean any Street, Square, Lane, Court, Alley, or Road having Houses at One or both Sides thereof:

Words importing the Masculine Gender shall include the Feminine:

Words of the Plural Number shall include the Singular, and Words of the Singular Number shall include the Plural.

Local Authority for Purposes of this Act.

4. That the following Bodies shall respectively be the Local Authority to execute this Act in the Districts hereunder stated:

In any Corporate City or Borough in England, the Mayor, Aldermen, and Burgesses acting by the Council:

In any Place within which the Public Health Act is or shall be in force, the Local Board of Health:

In any Place within the Limit of any Act for the Paving, Lighting, Watching, Draining, or otherwise improving such Place, the Trustees or Commissioners:

In Parishes within the Area comprised within the District of the Metropolis Local Management Act, other than Parishes in the City of London and the Liberties thereof, every Vestry and District Board under the Act Eighteenth and Nineteenth Victoria, Chapter One hundred and twenty, shall within their respective Parish or District be the Local Authority.

Inspection of overcrowded Dwellings.

5. That upon the Application of Twenty Ratepayers of any Town, Parish, or District, or by Resolution of Local Authority adopted at a Public Meeting summoned in the usual Manner, the Principal Secretary of State for the Home Department, on being satisfied that the Deaths in the Three Years last preceding exceed Three in the Hundred, shall direct an Inquiry to be made by One of the Inspectors appointed under the Local Government Act, 1858, as to the sanitary Condition of any Street or Streets, and of any House or Houses, within the Limits of such Town, Parish, or District, and as to the Number of Persons and Families residing therein, and the Extent of the Sleeping, Day Room, and other Accommodation afforded by the existing Dwellings in such Streets or Houses, reasonable Notice having been given previous to the said intended Inspection to the Owners or Occupiers thereof; and such Inspector shall be required to state wherein and to what Extent the Dwellings inquired into are unfit for Human Habitation, and how far it may be needful that the same should be removed, with a view to the Erection of permanent and heathful Houses, suitable for the Accommodation of Persons subsisting by Daily or Weekly Wages.

 6. That

Report of Inspectors to be forwarded to Local Authority.

6. That the Secretary of State shall, if he see fit, transmit the Report of such Inspector to the Local Authority of the Place to which it refers, by whom it shall be recorded as Part of the Minutes of their Proceedings, and within Fourteen Days shall be published in some Newspaper circulating within the District; and if within One Calendar Month the Recommendations contained in such Report be not shown to the Satisfaction of the Secretary of State to be unfitting or unnecessary, he shall, by an Order under his Hand, require the Local Authority to take Measures for complying with the same, or certain Portions thereof, within a reasonable Time, to be mentioned in such Order.

Plans and Estimates for Removal and Rebuilding.

7. That upon Receipt of Requisition from the Secretary of State the Local Authority shall, without Delay, cause Plans and Estimates to be duly prepared of the Cost of the pulling down of the Houses which shall have been condemned as unfit for Human Habitation, and of building on the same or some adjacent Site Dwellings proper for the healthful Accommodation of a Number of Persons not less than that of the Persons and Families previously residing in the Houses which shall have been removed; and such Estimates shall be forwarded to the Secretary of State, without whose Approval, signified in Writing, no Portion of the Work proposed shall be begun.

Ventilation, Lighting, and Sewage.

8. That the Dwellings to be so erected shall consist of separate Tenements, to be occupied on such Terms as the Byelaws made by the Local Authority shall determine, either by single Persons or by Families; and that adequate Provision shall in all Cases be made for the Sewerage, Lighting, and Ventilation of the same, One Window in each Room being in every Case made capable of opening to the outer Air, and a Space of not less than Three hundred and fifty Cubic Feet being in all Cases provided for each Occupier, whether infant or adult.

Public Works Loan Commissioners.

9. That upon Receipt of the Approval of the Secretary of State of the Estimate and Plans as aforesaid the Local Authority may make Application to the Commissioners for carrying into execution an Act passed in the Second Session of the Fifth Year of the Reign of Her Majesty, intituled "An Act to authorize the Advance of "Monies out of the Consolidated Fund to a limited Amount for "carrying on the Public Works and Fisheries and Employment "of the Poor, and to amend the Acts authorizing the Issue of "Exchequer Bills for the like Purpose," for the Loan of a Sum of Money not exceeding the Amount of the Costs specified, Repayment thereof to be charged upon the Borough Rates, Metropolis Local Management Rates, or General District Rates, or Improvement

ment Rates, as the Case may be, with yearly Interest at the Rate of Three Pounds Ten Shillings for every Hundred Pounds, the whole of such Capital Sum and Interest to be repaid by yearly Instalments of equal Amount in a Period not exceeding Thirty Years; and the said Commissioners shall be authorized to make such Advance by way of Loan upon such Conditions as they may think fit, the Amount of Advance at One Time to be paid not to exceed a Fifth Part of the entire Cost; and no Second Advance shall be payable until the said Commissioners shall have been satisfied that the Sum or Sums already advanced have been duly expended.

Compulsory Powers to take Land for Sites and Houses, and Compensation for same.

10. That in any Borough the Corporation, with the Approval of the Secretary of State, may from Time to Time appropriate, sell, or exchange for the Purposes of this Act any Lands or Houses vested in the Mayor, Aldermen, and Burgesses; and in any Parish the Vestry may from Time to Time appropriate, sell, or exchange, for the Purposes of this Act, in such Parish any Lands or Houses vested in them or in the Churchwardens and Overseers of such Parish, or in any Feoffees, Trustees, or others, for the general Benefit of such Parish; and in any District consisting of Two or more Parishes, the District Board may from Time to Time appropriate, sell, or exchange any Lands or Houses vested in them; and in any such Parish the Vestry, and in any such Borough the Corporation, and in any such District the Board, may from Time to Time contract for the purchasing or renting of any Lands or Houses necessary for the Purposes of this Act, and the Property therein shall be vested in the Mayor, Aldermen, and Burgesses in the Case of a City or Borough, or in the Vestry in the Case of a Parish, or in the Board in the Case of a District; and in case of Refusal or Neglect of any Person being Owner or Owner in part, or being otherwise interested in such Lands or Houses as may be required for the Purpose of this Act, to enter into such Contract or to complete the same, it shall and may be lawful for the Corporation, Vestry, or Board to proceed to enforce such proposed Contract or Agreement, due Compensation to be made to each and all of the Persons who shall be found to be entitled to the same, under the Provisions of the Eighth Victoria, Chapter Eighteen, and the Twenty-third and Twenty-fourth Victoria, Chapter One hundred and six, intituled "The Lands Clauses Consolidation Acts;" and the Provisions of the said Acts relating to the compulsory Purchase of Lands shall be and are hereby incorporated with this Act.

Contracts for building, repairing, lighting, watering, &c.

11. That the Local Authority may from Time to Time enter into any Contract with any Persons or Companies for building and for altering and enlarging, repairing, and otherwise improving such Workmen's Dwellings, and for lighting and for supplying the same with

with Water, and for fitting up the same respectively, and for furnishing any Materials and Things, and for executing and doing any other Works and Things necessary for the Purposes of this Act; which Contracts respectively shall specify the several Works and Things to be executed, furnished, and done, and the Prices to be paid for the same, and the Times when the Works and Things are to be executed, furnished, and done, and the Penalties to be suffered in Cases of Nonperformance; and true Copies of all such Contracts shall be entered in Books to be kept for the Purpose: Provided always, that no Contract above the Value or Sum of One hundred Pounds shall be entered into by the Local Authority for the Purposes of this Act, unless previous to the making thereof Fourteen Days Notice shall have been given in One or more of the public Newspapers published in the County in which the City, Borough, or Parish shall be situated, expressing the Intention of entering into such Contract, in order that any Person willing to undertake the same may make Proposals for that Purpose, to be offered to the Local Authority at a certain Time and Place in such Notice to be mentioned; but it shall not be incumbent on the Local Authority to contract with the Person offering the lowest Price.

Ownership and Management of Dwellings.

12. That the Ownership and Management of such Dwellings as shall be built under the Provisions of this Act, and of all Offices, Outhouses, and Easements appurtenant to the same, and all legal Rights incident thereto, subject to the Repayment of the Sum of Money borrowed, with Interest as aforesaid, to the Public Works Loan Commissioners, shall be vested in the Local Authority, which is hereby incorporated for the Purposes of this Act, in trust for the Benefit of the Inhabitants of the Town, Parish, or District.

Local Officers.

13. That the Local Authority shall appoint, and may remove at Pleasure, such Officers, Clerks, or Servants as they may deem necessary for the Maintenance and Management of their Property in such Dwellings.

General Income and Expenditure under the Act.

14. That the Expenses of carrying this Act into execution, other than such as shall be required for the Purchase of the Houses to be removed, and the Site of the Dwellings to be erected, together with the Cost of such Erection, shall be chargeable upon and paid out of the Borough Fund, Metropolis Local Management Rate, or General District Rate, or Improvement Rate, as the Case may be, and for that Purpose the Local Authority may levy, with and as Part of such Rate as aforesaid, such Sums of Money as shall be from Time to Time necessary for defraying such Expenses; and the Income arising from the Rents of said improved Workmen's Dwellings,

ings, after defraying all necessary Charges, shall be applied in the same Manner and to the same Purposes as the Borough, Metropolis Local Management, General District, or Improvement Rate; and the Local Authority shall keep distinct Account of their Receipts, Payments, Credits, and Liabilities with reference to the Execution of this Act.

Audit of Accounts.

15. That the Local Authority shall yearly appoint Two Persons to be Auditors of the Accounts of the Workmen's Dwellings Fund, and at such Time in every Year as the Local Authority shall appoint, the Treasurer, Clerk, and Servants shall produce to the Auditors their Accounts, with sufficient Vouchers for all Monies received and paid, and the Auditors shall examine such Accounts, and report thereon, and shall make and publish an annual Report thereof, setting forth likewise the Numbers of Persons who from Time to Time shall be in occupation of such Dwellings.

Power to make Bye-laws for the letting and Occupation of Dwellings.

16. That the Local Authority may make Byelaws, subject to the Approval of the Secretary of State, and not otherwise, for regulating the Rent and Tenure of separate Tenements in the Workmen's Dwellings vested in them respectively, and for the good ordering and Management of the same; and that a Copy of such Byelaws shall be given to each Tenant or Occupier of a Tenement upon his taking possession thereof: Provided always, that such Byelaws shall in every Case contain a Condition against Sub-letting to any Person or Persons whatever by each and every Occupier of a separate Tenement.

Corporation, Vestry, or Board not to be personally liable.

17. That nothing in this Act contained shall render any Member of the Corporation of any Borough, or any Member of a Vestry of any Parish, or any Member of a Board of any District, personally, or any of their Lands, Goods, Chattels, or Monies (other than such Lands, Goods, Chattels, or Monies as may be vested in or under the Management or Control of the said Bodies respectively in pursuance of this Act) liable to the Payment of any Sum of Money as or by way of Compensation or Satisfaction for or in respect of anything done or suffered in due pursuance of this Act.

Act may be amended, &c.

18. That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Artizans and Labourers Dwellings.

A

B I L L

To provide better Dwellings for Artizans and Labourers.

(*Prepared and brought in by Mr. M'Cullagh Torrens, Mr. Locke, and Mr. Kinnaird.*)

Ordered, by The House of Commons, *to be Printed*, 20 *February* 1866.

[Bill 27.]

Under 2 *oz.*

Artizans and Labourers Dwellings Bill.

[AS AMENDED BY THE SELECT COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Clause.

Preamble.

1. Short Title.
2. Application of Act, and Definition of "Local Authority," "Local Rate," and "Clerk of Local Authority."
3. Interpretation of Terms.
4. 8 & 9 Vict. c. 18. and 23 & 24 Vict. c. 106. incorporated.
5. Appointment of Officer of Health.
6. Officer of Health to report as to Condition of Streets.
7. On Representation by Four Householders that Disease exists in a House, Officer of Health to inspect and report.
8. Officer of Health to deliver Copies of Report to Clerk of Local Authority and Clerk of Peace.
9. Clerk of Local Authority to lay Report before Council.
10. Clerk of Peace to lay Report before Grand Jury.
11. Presentment to be preserved by Clerk of the Peace, and certified Copy to be sent to Clerk of Local Authority to be laid before Local Authority.
12. Local Authority to prepare Plan and Specification of required Works.
13. Clerk of Local Authority to give Notice to Owner of Presentment of Grand Jury.
14. Owner may appeal against Presentment.
15. Owner to execute specified Works, or sell Premises to the Local Authority.
16. Service of Notice on Owner whose Name and Residence are known.
17. Service of Notice on Owner whose Name or Residence is not known.
18. Notices to be signed by the Local Authority.
19. If Owner do not execute the Works, Local Authority to execute them.

20. If Owner fail to require Local Authority to purchase, they shall tender Valuation of Premises to be taken down.
21. If Valuation accepted, Premises to be conveyed.
22. If Valuation not accepted, Amount to be assessed by a Jury.
23. Upon Payment or Tender of Purchase Money, Corporation may enter into possession.
24. Provision in case of Disagreement between Owners.
25. Local Authority to pay Compensation when total Demolition required.
26. Determination of Tenancies.
27. House to be improved may be taken down.
28. Appropriation of Property acquired by Local Authority.
29. Account by the Local Authority.
30. Contracts for building, repairing, lighting, watering, &c.
31. Power of Local Authority to make Byelaws for Regulation of Dwelling Houses.
32. Expenses of Local Authority.
33. Loan from Public Works Loan Commissioners.
34. Limit on Expenses of Local Authority.
35. Service of Notice on the Local Authority.
36. Authentication of Notices served by the Local Authority.
37. Forms in Schedule to Act may be used.
38. Penalty for obstructing Officer of Health, &c. in execution of Act.
39. Penalty for preventing Execution of Act.
40. Appearance of Local Authority.
41. Recovery of Penalties.
42. Application of Act to Scotland.
43. Application of Act to Ireland.
44. Jurisdiction of certain Magistrates.

SCHEDULES.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Provide better Dwellings for Artizans and Labourers.

WHEREAS it is expedient to make Provision for taking down or improving Dwellings occupied by Working Men and their Families which are unfit for Human Habitation, and for the building and Maintenance of better Dwellings for such Persons instead thereof: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. In citing this Act it shall be sufficient to use the Words "The Artizans and Labourers Dwellings Act, 1866." Short Title.

2. This Act shall apply only to the Places named in the First Column of Table (A.) in the First Schedule annexed hereto; and "Local Authority," "Local Rate," and "Clerk of Local Authority" shall mean "the Bodies of Persons," "Rate," and "Officer" in that Table in that Behalf mentioned; and the said Table, and the Explanation annexed thereto, shall be of the same Force as if they were enacted in the Body of this Act. Application of Act, and Definition of "Local Authority," "Local Rate," and "Clerk of Local Authority."

Interpretation of Terms.

3. The following Words and Expressions have in this Act the following Meanings, unless excluded by the Subject or Context; (that is to say,)

"Street" and "Square."

The Word "Street" includes any Court, Alley, Street, Square, or Row of Houses:

"Premises."

The Word "Premises" means any Dwelling House or inhabited Building, and the Site thereof, with the Yard, Garden, Outhouses, and Appurtenances belonging thereto or usually enjoyed therewith, also any Building or Erection, whether inhabited or not, situated in or abutting upon or contiguous to or at the Entrance of any Court or Alley:

"Lessee."

The Word "Lessee" means any Person being a Lessee of the Premises for any Term of which not less than Twenty-one Years shall remain unexpired; and wherever in this Act the Word "Owner" is used the same comprises the Lessee (if any) as well as the Owner of the Premises:

"Superior Court" and "Court of competent Jurisdiction."

The Words "Superior Court" and "Court of competent Jurisdiction," or any other like Expression in this Act, shall be read and have Effect as if the Debt or Demand in respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute:

"Person."

"Person" shall include a Body of Persons, corporate or unincorporate:

"Quarter Sessions."

"Quarter Sessions" shall include General Sessions, and in Ireland shall mean, in Towns and Boroughs where there are separate Quarter Sessions, the Quarter Sessions of said Boroughs and Towns, and in Boroughs where there are no separate Quarter Sessions, the Quarter Sessions of the Divisions of the Courts in which such Towns or Boroughs shall be situate:

"Officer of Health."

"Officer of Health" shall mean and include Medical Officer of Health, Sanitary Inspector, or Inspector of Nuisances, or any other Officer performing Duties analogous to those which the Officer of Health performs under "The Local Government Act, 1858," or which the Medical Officer exercises under the Act of the Session of the Eighteenth and Nineteenth Year of the Reign of Her present Majesty, Chapter One hundred and twenty, intituled "An Act for the better Local Management of the Metropolis," or which in Scotland the Medical Officer exercises under "The General Police and Improvement (Scotland) Act," or which in Ireland the Officer of Health or Inspector of Nuisances exercises under "The Towns Improvement (Ireland) Act, 1854," or any Act incorporating "The Towns Improvement Clauses Act, 1847:"

"Local Officer," &c.

In all Cases in which the Name of a Local Authority, Local Court, Magistrate, or Officer having any Local Jurisdiction in respect

respect of their or his Office is referred to, without Mention of the Locality to which the Jurisdiction extends, such Reference is to be understood to indicate the Local Authority, Local Court, Magistrate, or Officer having Jurisdiction in that Place within which are situate the Premises or other Subject Matter or any Part thereof to which such Reference applies.

8 & 9 Vict. c. 18. and 23 & 24 Vict. c. 106. incorporated.

4. "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Act Amendment Act, 1860," save so far as any of the Sections and Provisions of those Acts respectively are expressly varied or excepted by or are inconsistent with the Provisions of this Act, are incorporated with this Act.

Appointment of Officer of Health.

5. If in any Place to which this Act applies there is no Officer of Health within the Meaning of this Act, the Local Authority shall forthwith appoint such an Officer, shall assign him his Duties, and advance him such Salary out of the Local Rate as they think fit. The Local Authority may from Time to Time remove any Officer appointed under this Section, so that they appoint another Officer in his Place.

Officer of Health to report as to Condition of Streets.

6. If in any Place to which this Act applies the Officer of Health find that any Street or any Premises therein is or are unfit for Human Habitation, or in a Condition, State, or Situation injurious, dangerous, or prejudicial to Health, he shall report the same, and that the Powers of this Act ought to be put in force in respect to such Street or Premises, and whether the ascertained Defects can be remedied by structural Alterations and Improvements, or otherwise, or whether such Street or Premises, or any and what Part thereof, ought to be demolished.

On Representation by Four Householders that Disease exists in a House, Officer of Health to inspect and report.

7. If and whenever any Four or more Householders living in or near to any Street by Writing under their Hands represent to the Officer of Health that contagious Disease then exists or has frequently existed in any Premises in or near that Street, or that such Premises are in a State likely to engender Disease, he shall forthwith inspect the Premises, and report thereon; but the Absence of any such Representation shall not excuse him from inspecting any Premises and reporting thereon.

Officer of Health to deliver Copies of Report to Clerk of Local Authority and Clerk of Peace.

8. Every Report made under this Act by the Officer of Health shall be made and signed by him in duplicate, and he shall forthwith deliver one of such Reports to the Clerk of the Local Authority, and the other to the Clerk of the Peace in England and Ireland, and to the Clerk of the Court of Burgh Magistrates in Scotland.

 9. The

Clerk of Local Authority to lay Report before Council.

9. The Clerk of the Local Authority shall as soon as possible lay the Report so delivered to him before the Local Authority, and the same shall be recorded on their Minutes, and the Clerk of the Local Authority shall transmit a Copy thereof to the Owner of the Premises comprised in the said Report, and shall give Notice to the Owner that the Report will be taken into consideration by the Grand Jury at the Court of Quarter Sessions specified in the Notice in England or Ireland, or by the Court of the Burgh Magistrates in Scotland.

Clerk of Peace to lay Report before Grand Jury.

10. The Clerk of the Peace or of the Burgh Magistrates shall respectively lay the Report so delivered to him before the Grand Jury at such Court of Quarter Sessions as aforesaid, or before the Court of the Burgh Magistrates, and the Grand Jury or Burgh Magistrates, as the Case may be, shall at that Court take the Report into consideration, and, after (if they think fit) viewing by Members of their Body the Premises specified in the Report, shall make a Presentment or Order thereon according to what they consider the Requirements of the Case.

Presentment to be preserved by Clerk of the Peace, and certified Copy to be sent to Clerk of Local Authority to be laid before Local Authority.

11. Every Presentment or Order made under this Act shall be preserved by the Clerk of the Peace or Clerk of the Burgh Magistrates among the Records of his Office, and he shall forthwith send a Copy thereof, certified under his Hand, to the Clerk of the Local Authority, and the last-mentioned Clerk shall as soon as possible lay such Copy before the Local Authority.

Local Authority to prepare Plan and Specification of required Works.

12. Upon Receipt of the Copy of the Presentment or Order, the Local Authority shall forthwith cause to be made a Survey of the Premises mentioned therein, and prepare or cause to be prepared a Plan and Specification of the Works (if any) required to be executed.

Clerk of Local Authority to give Notice to Owner of Presentment of Grand Jury.

13. The Clerk of the Local Authority shall thereupon forthwith give Notice to the Owner of the Premises of the Presentment of the Grand Jury, or of the Order of the Burgh Magistrates, by forwarding to such Owner a Copy thereof, and informing him that a Plan and Specification of such Works as are required in reference thereto has been prepared, and that such Plan and Specification may, if such Owner think fit, be inspected and transcribed by him or his Agent at the Office of the Clerk of the Local Authority without Charge; and any such Owner may at any Time within Fourteen Days after the Receipt of such Notice state in Writing to the Clerk of the Local Authority any Objection which he may entertain to the said Plan and Specification, or either of them; and if within Ten Days thereafter such Owner and the Local Authority cannot agree as to such Plan and Specification, any Matter in difference between them shall be settled by Two Justices

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in Petty Sessions upon the Application of either Party, and the said Justices may make such Order in relation thereto as they may think fit; and if they decide that any Alteration is to be made in the said Plan and Specification the Local Authority shall cause such Alteration to be made accordingly, and the Plan and Specification so amended shall be the Plan and Specification according to which the Works shall be executed.

Owner may appeal against Presentment.

14. Any Owner of Premises included in any Presentment or Order may, if he think fit, appeal against the same to the Court of Quarter Sessions or Court of the Burgh Magistrates held next after the making of the Presentment, but the Appellant shall not be heard in support of the Appeal unless, within Fourteen Days after Receipt by him of Notice of the Presentment appealed against, he give to the Clerk of the Local Authority Notice in Writing stating his Intention to appeal, together with a Statement in Writing of the Grounds of Appeal, and shall, within Two Days after giving such Notice, enter into a Recognizance before some Justice of the Peace, with sufficient Securities, conditioned to try such Appeal at the said Court, and to abide the Order of and pay such Costs as may be awarded by the Court or any Adjournment thereof; and the Court, upon hearing and finally determining the Matter of the Appeal, may, either with or without the Consent of the respective Parties, vary the Presentment or Order, and may, according to its Discretion, award such Costs to the Party appealing or appealed against as they think proper, and the Determination of the Court in or concerning the Premises shall be conclusive and binding on all Persons to all Intents or Purposes whatsoever: Provided,—

First, that if there be not Time to give such Notice and enter into such Recognizance as aforesaid, then such Appeal may be made to, and such Notice, Statement, and Recognizance be given and entered into for the next Sessions or Court of the Burgh Magistrates at which the Appeal can be heard:

Secondly, that on the Hearing of the Appeal no Grounds of Appeal shall be gone into or entertained other than those set forth in such Statement as aforesaid:

Thirdly, that in any Case of Appeal the Court may, if it thinks fit, state the Facts specially for the Determination, in England or Ireland, of Her Majesty's Court of Queen's Bench, or in Scotland, by Petition to either Division of the Court of Session in which Case it shall be lawful to remove the Proceedings, by Writ of Certiorari or by Petition, into the said Courts of Queen's Bench or Court of Session respectively:

Fourthly, that pending such Appeal no Work shall be done nor Proceedings taken under such Presentment until after the Determination of such Appeal, unless such Appeal cease to be prosecuted.

Owner to execute specified Works, or sell Premises to the Local Authority.

15. Within Three Calendar Months after the Service on the Owner of the Presentment or Order by the Clerk of the Local Authority the Owner shall signify in Writing to the Clerk of the Local Authority whether he is willing to effect the Works required to be executed, or whether he requires the Local Authority to purchase the Premises specified in the Presentment.

Service of Notice on Ownerwhose Name and Residence are known.

16. Where the Owner of the Premises and his Residence or Place of Business are known to the Local Authority, it shall be the Duty of the Clerk of the Local Authority, if the Owner be residing or have a Place of Business in the Place, to give any Notice by this Act required to be served on him to the Owner, or for him, to some Inmate of his Place of Residence or Business within the Place; and if he be not residing in the Place, or has no Place of Business therein, then to send the Notice by Post in a registered Letter addressed to the Owner at his Place of Residence.

Service of Notice on Ownerwhose Name or Residence is not known.

17. Where the Owner of the Premises or his Residence or Place of Business is not known to, or after diligent Inquiry cannot be found by the Local Authority, then the Clerk of the Local Authority may serve the Notice by leaving it, addressed to the Owner, with some Occupier of the Premises, or if there be not an Occupier, then by putting it up on some conspicuous Part of the Premises.

Notices to be signed by the Local Authority.

18. Every Notice required to be given by the Clerk of the Local Authority by this Act may be in Writing or Print, or partly in Writing and partly in Print, and shall be signed by the Clerk of the Local Authority or Deputy appointed by him.

If Owner do not execute the Works, Local Authority to execute them.

19. If the Owner, within the Time limited by this Act for that Purpose, elect to effect the Works required to be executed, such Owner shall within Two Months thereafter commence the Works shown on the Plan and described in the Specification, and proceed with and complete the same within the Time mentioned in the Specification; and if such Owner fail therein in any respect, the Local Authority shall execute the Works, and may for that Purpose, by themselves, their Contractors, Servants, Agents, and Workmen, enter upon the Premises, and the Local Authority may reimburse themselves all Costs and Charges incident to the Execution of such Works by the Sale of the old Materials, so far as the same may extend, or otherwise, as they may see fit, recover the Amount of such Costs and Charges as a Debt due from such Owner by Action in any Court of competent Jurisdiction.

20. If

If Owner fail to require Local Authority to purchase, they shall tender Valuation of Premises to be taken down.

20. If the Owner do not, within the Period herein specified and as herein prescribed, elect to effect the Works required to be executed, or if he require the Local Authority to purchase the Premises, then and in either of such Cases (if the Amount of the Purchase Money or Compensation be not previously agreed upon between the Owner and the Local Authority) the Local Authority shall cause a Valuation of the Premises (including the Site thereof) to be made by Two able practical Surveyors, not being Officers of the Local Authority, and the Clerk of the Local Authority shall send a Copy of such Valuation to the Owner, and notify to him that the Local Authority are willing to purchase the same at the Amount of such Valuation.

If Valuation accepted, Premises to be conveyed.

21. If the Owner agree to accept the Amount of such Valuation, he shall forthwith convey his Interest in the Premises and in the Site thereof to the Local Authority.

If Valuation not accepted, Amount to be assessed by a Jury.

22. If for One Month after the Receipt of a Copy of such Valuation such Owner do not signify in Writing to the Clerk of the Local Authority his Willingness to receive the Amount of such Valuation, or if after diligent Inquiry the Owner cannot be found, the Local Authority shall cause the Amount payable in respect of the Interest of such Owner in the Premises and in the Site thereof to be assessed and paid in the Manner prescribed by "The Lands Clauses Consolidation Act, 1845."

Upon Payment or Tender of Purchase Money, Corporation may enter into possession.

23. Upon Payment or Tender to the Party entitled to receive the same of the Amount awarded by the Jury, or upon Payment thereof into the Bank in the Manner prescribed by "The Lands Clauses Consolidation Act, 1845," the Local Authority may enter upon the Premises, and do and execute all Works required by the Plan and Specification.

Provision in case of Disagreement between Owners.

24. In any Case in which there may be Two or more Owners of any Premises in any Street, and all such Parties do not concur in electing to effect the Works required to be executed, then such of those Parties as make such Election may, if they think fit, arrange for the Purchase of the Interest of the other or others of them in the Premises, and the other or others of them shall sell the same at such Price as may be agreed upon between them or settled by Arbitration, and thereupon the Person making such Purchase shall be deemed the Owner for the Purposes of this Act: Provided that if for One Month after Notice in Writing from the Clerk of the Local Authority requiring him so to do the Party electing to effect

the Works do not signify in Writing to the Clerk of the Local Authority his Willingness to make such Purchase, or fails to make Arrangements for such Purchase, then the Local Authority shall proceed in the Execution of this Act in the same Manner as if all of such Owners and Lessees had failed to elect to execute the Works required.

Local Authority to pay Compensation when total Demolition required.

25. If the Requirements of the Presentment or Order involve the total Demolition and not the Improvement of the Premises specified therein, the Owner shall, within Three Months after Notice of the Presentment, proceed to take down and remove the Premises, and if such Owner fail therein, then the Local Authority shall proceed to take down and remove the same; and the Local Authority shall pay Compensation for the Damage which may be sustained by such taking down and Removal, including the Value of the Premises and the Site thereof, unless the Owner desire to retain the Site, subject to the Provisions of this Act with reference to the Use thereof, such Compensation to be ascertained and applied as in this Act provided in the Case of the Purchase of any Premises by the Local Authority; and the Site of the said Premises (unless the Owner have elected to retain the Site) shall, on Payment or Tender to the Party entitled to receive the same of the Compensation agreed upon or awarded, or upon Payment thereof into the Bank in the Manner prescribed by "The Lands Clauses Consolidation Act, 1845," absolutely vest in the Local Authority.

Determination of Tenancies.

26. Where at the Time of making the Presentment the Premises specified therein or any Part thereof are or is subject to any Lease of which less than Twenty-one Years remain unexpired, or to any Tenancy from Year to Year, or for a Year or for any less Term, the Local Authority shall give Notice to every such Lessee or Tenant, stating the Time at which such Lease or Tenancy will be determined; and if such Lessee or Tenant in the event of the Premises having been purchased by the Local Authority under the Provisions of "The Lands Clauses Consolidation Act, 1845," would have been entitled to Compensation by reason of the determining of his Lease or Tenancy, the Local Authority shall make such Compensation to such Lessee or Tenant for the determining of his Lease or Tenancy as, in case of Difference, may be settled by Two Justices.

House to be improved may be taken down.

27. If the Presentment or Order be that the Premises require Improvement, the Owner, if he think fit, may, instead of effecting the Works required by the Plan and Specification, take down the Premises; but in every such Case, and also in the event of the Owner desiring to retain the Site of the Premises required by the Present-

Presentment or Order to be totally demolished, no House or other Building or Erection shall at any Time thereafter be erected on all or any Part of the Site of the Premises so taken down, without the previous Consent of the Local Authority, and in accordance with Plans and Elevations previously approved by them; and they may at any Time, at the Expense of the Owner thereof, abate or alter any House or other Building or Erection at any Time wholly or partly erected contrary to the Provisions of this Section.

Appropriation of Property acquired by Local Authority.

28. The Local Authority shall hold all Property acquired by them under this Act upon trust to carry into effect some One or more of the Purposes thereof:

The Purposes of this Act shall be deemed to be—

First, the providing by the Construction of new Buildings, or the repairing or Improvement of existing Buildings, the Labouring Classes with suitable Dwellings situate within the Jurisdiction of the Local Authority:

Second, the opening out of closed or partially closed Alleys or Courts inhabited by the Labouring Classes by pulling down any Building, or otherwise leaving such open Spaces as may be necessary to make such Alleys or Courts healthful:

But subject to the aforesaid Trust, the Local Authority may from Time to Time sell, exchange, lease, or otherwise dispose of any Premises acquired by them under this Act: Provided, that if any Property acquired by the Local Authority under this Act shall not within Seven Years after the Acquisition thereof be disposed of by way of absolute Sale or of Exchange, or by Lease for a Period of not less than Ninety-nine Years, the whole Estate and Interest of the Local Authority in such Premises shall, subject to any Incumbrances thereon, escheat to the Crown in the same Manner as if they were Land belonging to a Corporation having no Licence to hold the same.

Account by the Local Authority.

29. Every Local Authority shall in every Year present to One of Her Majesty's Principal Secretaries of State, in such Form as he directs, an Account of what has been done by them during the previous Year, with a view to carrying into effect the Purposes of this Act.

Contracts for building, repairing, lighting, watering, &c.

30. A Local Authority may from Time to Time enter into any Contract with any Persons or Companies for building and for altering and enlarging, repairing, and otherwise improving such Workmen's Dwellings forming Part of any Premises held by the said Authority for the Purposes of this Act, and for lighting

lighting and for supplying the same with Water, and for fitting up the same respectively, and for furnishing any Materials and Things, and for executing and doing any other Works and Things necessary for the Purposes of this Act; which Contracts respectively shall specify the several Works and Things to be executed, furnished, and done, and the Prices to be paid for the same, and the Times when the Works and Things are to be executed, furnished, and done, and the Penalties to be suffered in Cases of Nonperformance; and true Copies of all such Contracts shall be entered in Books to be kept for the Purpose: Provided always, that no Contract above the Value or Sum of One hundred Pounds shall be entered into by the Local Authority for the Purposes of this Act, unless previous to the making thereof Fourteen Days Notice shall have been given in One or more of the public Newspapers published in or circulating within the Jurisdiction of the Local Authority, expressing the Intention of entering into such Contract, in order that any Person willing to undertake the same may make Proposals for that Purpose, to be offered to the Local Authority at a certain Time and Place in such Notice to be mentioned; but it shall not be incumbent on the Local Authority to contract with the Person offering the lowest Price.

Power of Local Authority to make Byelaws for Regulation of Dwelling Houses.

31. The Local Authority may from Time to Time make, alter, and repeal Byelaws for the Regulation of the Dwellings belonging to them under this Act, and there may be imposed by such Byelaws a Penalty, recoverable in a summary Manner, not exceeding Two Pounds for any Breach of the Byelaws by the Tenants or Occupiers of the said Houses. A Copy of such Byelaws shall be given to every Tenant or Occupier upon his taking Possession of every such Dwelling or of any Portion thereof.

Expenses of Local Authority.

32. All Expenses incurred by the Local Authority in pursuance of this Act shall be defrayed by them out of the Local Rate, and it shall be lawful for the Local Authority, notwithstanding any Limit contained in any Act of Parliament respecting any Local Rate, to levy such Local Rate, or any Increase of the same, for the Purposes of this Act; and the Metropolitan Board of Works may levy the Local Rate for the Purposes of this Act within the Metropolis, as described in the Schedule hereto, in the same Manner as if such Metropolis constituted the whole Area within the Jurisdiction of the said Board.

Loan from Public Works Loan Commissioners.

33. The Public Works Loan Commissioners, as defined by the Public Works Loan Act, 1853, may lend to any Local Authority, and any Local Authority may borrow from the said Commissioners, such

such Sums as the said Authority may require for the Purposes of this Act, subject to the following Regulations:

1. The Amount of every Loan shall be sanctioned by the Commissioners of the Treasury:
2. No Loan shall be made except for the Purpose of defraying the Cost of building suitable Dwellings for the Labouring Classes, or of defraying the Cost of purchasing Sites, and of building thereon such Dwellings:
3. Every Loan shall be secured by a Mortgage of certain Dwellings for the Labouring Classes erected or improved, or about to be erected or improved, by a Local Authority, in pursuance of this Act, and of the Sites of such Dwellings, and the Appurtenances, if any, and also by a Mortgage of the Local Rate:
4. Any Sum borrowed on Mortgage under this Section may be paid off by Sale of the Premises comprised in such Mortgage, or by Instalments, or otherwise, as may be agreed upon between the Parties, so that the Period of the Borrowing do not exceed Seven Years:
5. The Amount borrowed by any Local Authority on the Mortgage of any Buildings and Sites and of the Local Rate shall not exceed the estimated Value of the proposed Buildings, including the Sites thereof, comprised in such Mortgage, such Value to be ascertained in manner approved by the said Public Works Loan Commissioners:
6. The Powers conferred by Act of Parliament on the said Public Works Loan Commissioners in relation to Loans shall apply to any Loans made under this Section.

Limit on Expenses of Local Authority.

34. The Local Authority shall not for the Purposes of this Act make an Increase of the Local Rate to an Amount exceeding Threepence in the Pound in any Year, and shall not be compellable to take any Proceedings under this Act for the Purchase of any Premises in Cases where the said Public Works Loan Commissioners are not authorized by this Act to make a Loan on account of such Purchase.

Service of Notice on the Local Authority.

35. Any Summons, Notice, Writ, or other Proceeding at Law or in Equity, or otherwise, in relation to carrying into effect the Objects and Purposes of this Act, required to be served upon the Local Authority, may be lawfully served by delivering the same to the Clerk of the Local Authority, or leaving the same at his Office with some Person employed there by him.

Authentication of Notices served by the Local Authority.

36. Any Notice, Demand, or other written Document served by the Local Authority for the Purposes of this Act may be signed by the Clerk of the Local Authority.

Forms in Schedule to Act may be used.

37. The several Forms set forth in the Second Schedule to this Act annexed, with such Modification (if any) thereof respectively as the Parties using the Forms respectively think expedient, may be used for the several Purposes of this Act for which the same are applicable, and shall accordingly be sufficient for the Purposes of this Act.

Penalty for obstructing Officer of Health, &c. in execution of Act.

38. Where any Person at any Time obstructs the Officer of Health or other Person acting in the Performance of anything which the Local Authority or their Officers respectively are by this Act required or authorized to do, every Person so offending shall for every such Offence forfeit not exceeding Twenty Pounds.

Penalty for preventing Execution of Act.

39. If the Occupier of any Premises prevents the Owner thereof, or if the Owner or Occupier of any Premises prevents the Officer of Health, or their Officers, Agents, Servants, or Workmen, from carrying into effect with respect to the Premises any of the Provisions of this Act, after Notice of the Intention so to do has been given to the Occupier, or, as the Case shall be, to the Owner, any Justice on Proof thereof may make an Order in Writing requiring the Occupier to permit the Owner, or, as the Case shall be, requiring the Owner or Occupier, or both, to permit the Officer of Health, or the Local Authority, and their Officers, Agents, Servants, and Workmen, to do all things requisite for carrying into effect with respect to the Premises the Provisions of this Act; and if at the Expiration of Ten Days after the Service of such Order of the Justice the Occupier or Owner fails to comply therewith, every Person so offending shall for every Day during which the Failure continues forfeit not exceeding Twenty Pounds: Provided that during any such Failure by the Occupier the Owner, unless assenting thereto, shall not be liable to the Forfeiture.

Appearance of Local Authority.

40. The Local Authority may appear before any Judge, Justices, Borough Magistrates, Sheriff, or Sheriff Substitute, by their Clerk, and any Company or Body Corporate may appear before the said Magistrate or Magistrates by any Member of their Board of Management, or by any Officer authorized in Writing under the Hand of any Director or Manager of the Company.

Recovery of Penalties.

41. Penalties under this Act may be recovered before Two Justices in manner directed by an Act passed in the Session holden in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen Victoria, Chapter Forty-three, intituled "An Act "to facilitate the Performance of the Duties of Justices of the "Peace out of Sessions within England and Wales with respect "to summary Convictions and Orders," or any Act amending the same; and in Scotland by summary Complaint before the Sheriff, Sheriff

Sheriff Substitute, or Two Justices, or in Boroughs, before the Magistrates, in manner provided by "The Summary Procedure Act, 1864," and in Ireland in manner directed by "The Petty Sessions (Ireland) Act, 1851," and any Act amending the same.

Application of Act to Scotland.

42. For the Purpose of adapting this Act to Scotland, the following Alteration shall be made; that is to say,

1. "The Lands Clauses Consolidation Act (Scotland), 1845," shall be substituted for "The Lands Clauses Consolidation Act, 1845:"
2. An Order of the Court of the Magistrates of the Burgh at which not less than Two Thirds of the Magistrates shall be present, or of a Sheriff or Sheriff Substitute, shall be substituted for the Presentment of a Grand Jury, and all the Judicial Powers given to Justices in Quarter Sessions by this Act may also be exercised by Sheriffs of Counties or Sheriff Substitutes:
3. Everything competent to be done by the Clerk of the Court of the Burgh Magistrates in Burghs under this Act may be done by the Sheriff's Clerk of the County for Places within the County which are not Burghs.

Application of Act to Ireland.

43. For the Purpose of adapting this Act to Ireland, the Words "The Lands Clauses Consolidation Act, 1845," shall mean "The Railways Act, Ireland, 1851," and the several Acts amending the same.

Jurisdiction of certain Magistrates.

44. Any Act, Power, or Jurisdiction hereby authorized to be done or exercised by Two Justices may be done or exercised by the following Magistrates within their respective Jurisdictions; that is to say: As to England, by any Metropolitan Police Magistrate or other Stipendiary Magistrate sitting alone at a Police Court or other appointed Place, or by the Lord Mayor of the City of London, or any Alderman of the said City, sitting alone or with others, at the Mansion House or Guildhall; as to Scotland, by the Sheriff or Sheriff Substitute, or by any Two Magistrates of a Burgh; and as to Ireland, by any One or more Divisional Magistrates of Police in the Police District of Dublin, and elsewhere by One or more Justice or Justices of the Peace in Petty Sessions.

SCHEDULES.

FIRST SCHEDULE.

TABLE A.

ENGLAND AND WALES.

Places to which Act applies.	Description of Local Authority.	Description of Local Rate.	Description of Clerk of Local Authority.
The City of London and the Liberties thereof. Local Acts { 11 & 12 Vict. c. 163. 14 & 15 Vict. c. 91.	Commissioners of Sewers of the City of London. Local Act 11 & 12 Vict. c. 163.	The Consolidated Rate 11 & 12 Vict. c. 163. s. 158.	The Clerk to the Commissioners. 11 & 12 Vict. c. 163. s. 25.
The Metropolis - -	The Metropolitan Board of Works.	Rate to be levied in the Metropolis in the same Manner as the Rate leviable by Law for defraying the general Expenses of the Board. 25 & 26 Vict. c. 120. s. 5.	Clerk of the Metropolitan Board of Works.
Boroughs, with the Exception of the Borough of Cambridge, not within the Jurisdiction of such Local Board as aforesaid.	The Mayor, Aldermen, and Burgesses, acting by the Council.	The Borough Fund or other Property applicable to the Purposes of a Borough Rate or the Borough Rate.	The Town Clerk.
The Borough of Cambridge, and any Town not included in the above Descriptions, and under the Jurisdiction of Commissioners, Trustees, or other Persons entrusted by any Local Act with Powers of improving, cleansing, or paving any Town.	The Commissioners, Trustees, or other Persons entrusted by the Local Act with Powers of improving, cleansing, or paving the Town.	Any Rate leviable by such Commissioners, Trustees, or other Persons, or other Funds applicable by them to the Purposes of improving, cleansing, or paving the Town.	The Clerk of the Commissioners or Trustees or other Persons or other Officer performing the Duties of Clerk.
Places within the Jurisdiction of Local Boards, constituted in pursuance of the Public Health Act, 1848, and the Local Government Act, 1858, or One of such Acts.	The Local Board -	General District Rate 11 & 12 Vict. c. 63. s. 87.	Clerk of the Local Board or other Officer performing Duties of Clerk. 11 & 12 Vict. c. 63. s. 37.

Places to which Act applies.	Description of Local Authority.	Description of Local Rate.	Description of Clerk of Local Authority.
SCOTLAND.			
Burghs - - -	The Magistrates and Town Council.	The Revenue of the Burgh or the Local Rate leviable for Prison Purposes under 23 & 24 Vict. c. 105., or any other Local Rate leviable by the Town Council.	Town Clerk.
Places where Police Commissioners or Trustees exercise the Functions of Police Commissioners acting under "The General Police and Improvement (Scotland) Act," or Trustees or Commissioners acting under any General or Local Act.	The Police or other Commissioners or Trustees.	Property or Rate belonging to or leviable by the Commissioners or Trustees.	Clerk of the Commissioners or Trustees or any other Officer performing the Duties of Clerk.
IRELAND.			
The City of Dublin -	The Right Honourable the Lord Mayor, Aldermen, and Burgesses, acting by the Council.	The Borough Fund or Borough or Improvement Rate.	The Town Clerk.
Towns Corporate or Boroughs (with the Exception of the City of Dublin).	The Mayor, Aldermen, and Burgesses, acting by the Council.	The Borough Fund, or Town Fund, or Borough Rate.	The Town Clerk.
Towns having Town Commissioners under 9 G. 4. c. 82. or 17 & 18 Vict. c. 103., or any Acts amending the same, or having Commissioners or other Governing Body under any Local Act.	The Town Commissioners or other Governing Body.	Any Rate leviable by these Bodies, or any Fund belonging to them applicable in the whole or in part to the making or repairing of Sewers within their Jurisdiction.	The Clerk of the Commissioners or other Governing Body.

Explanation.

For the Purposes of this Act the following Words shall have the Meanings herein-after assigned to them; that is to say,

(1.) "The Metropolis" shall not include the City of London or the Liberties thereof, but shall include all other Parishes or Places within the Jurisdiction of the Metropolitan Board of Works.

(2.) "The Metropolis Local Management Act" shall mean the Act of the Session of the Eighteenth and Nineteenth Years of the Reign of Her present Majesty, Chapter One hundred and twenty, intituled "An Act for the better Local Management of the Metropolis."

(3.) "Borough" in England shall mean any Place for the Time being subject to the Act passed in the Session holden in the Fifth and Sixth Years of the Reign of King William the Fourth, Chapter Seventy-six, intituled "An Act to provide for the Regulation of Municipal Corporations "in England and Wales."

(4.) "Burgh" in Scotland shall mean any Place returning or contributing to return Members to Parliament.

(5.) "Borough" in Ireland shall mean any Place for the Time being subject to the Act passed in the Session of the 3d and 4th Years of the Reign of Her present Majesty, Chapter One hundred and eight, and intituled "An Act for the Regulation of Municipal Corporations in Ireland."

SECOND SCHEDULE.

I. *Form of Presentment by Grand Jury, or Court of Burgh Magistrates in Scotland.*

The Jurors for our Lady the Queen upon their Oath present that [ ] [*or as the Case may be*] One or more House or Houses or Buildings situate in or abutting upon or contiguous to or at the Entrance of a certain Court or Alley within the Borough or Burgh, known or designated as Court or Alley [*or otherwise distinguishing the Premises*], and specified in the Report of the Officer of Health for the dated the Day of 18 is or are unfit for Human Habitation, and ought to be improved or demolished [*as the Case may be*], in pursuance of "The Artizans and Labourers Dwellings Act, 1866."

II. *Form of Notice by Clerk of the Peace or Clerk of the Court of Burgh Magistrates in Scotland to Clerk of Local Authority.*

Artizans and Labourers Dwellings Act, 1866.

I, *A.B.*, Clerk of the Peace [*or* Clerk of the Court of Burgh Magistrates] for the , do hereby certify, That on the Day of 18 the Grand Jury at the Sessions for the [*or* Court of the Burgh Magistrates] [*as the Case may be*] made a Presentment, of which the following is a true Copy.

[*Here give a Copy of the Presentment*, Form I.]

As witness my Hand, this Day of in the Year of our Lord 18 .

(Signed) (*A.B.*) Clerk of the Peace for
[*or* Clerk of the Court of Burgh Magistrates].

To the Clerk of the
of .

Artizans and Labourers Dwellings.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

To provide better Dwellings for Artizans and Labourers.

(*Prepared and brought in by Mr. M'Cullagh Torrens, Mr. Locke, and Mr. Kinnaird.*)

Ordered, by The House of Commons, *to be Printed,* 18 *June* 1866.

[Bill 194.]

Under 3 *oz.*

Attorneys and Solicitors (Ireland), 1866, Bill.

ARRANGEMENT OF CLAUSES.

Clause.

Preamble.

1. Interpretation of Terms.
2. Short Title of Act.
3. No Person to act as an Attorney or Solicitor unless admitted and enrolled.
4. No Person to be admitted an Attorney or Solicitor unless he shall have served an Apprenticeship of Five Years.
5. No Attorney to take or retain any Apprentice after discontinuing Business, nor whilst Clerk to another.
6. In case Attorney become bankrupt or insolvent or be imprisoned, Indentures to be discharged or assigned.
7. Persons having taken Degrees at certain Universities may be admitted after Three Years Service.
8. Persons having been at the Bar may be admitted after Three Years Service.
9. Persons attending certain Lectures and passing certain Examinations in Faculty of Law during Two Collegiate Years to be admitted after Four Years Service.
10. Persons having been bonâ fide Clerks to Attorneys or Solicitors for Ten Years may be admitted after Three Years Service.
11. Affidavit to be made and filed within Six Months of Execution of Articles, and the Articles to be enrolled.
12. If not filed within Six Months the Service to reckon from the Day of filing, unless, &c.
13. Affidavit to be produced on applying for Admission.
14. Book to be kept for entering Substance of Affidavits with the Names, &c. of Attorney and Apprentices, &c., which may be searched.
15. Apprentices whose Masters have died or left off Practice may enter into fresh Indentures for the Residue of their Term.
16. Power to Courts and Judges to order Assignments under last Section.
17. Apprentices before Admission to make Affidavit of having served.
18. Judges may require Examination in general Knowledge, either before Indentures or before Admission, with Power to dispense therewith in special Cases.

Clause.

19. Judges may require an Examination in legal Knowledge during Articles.
20. Persons on applying for Admission as Attorneys to be examined as to Fitness and Capacity. Oaths to be administered.
21. What Examination to consist of.
22. Where respective Periods of Service expire in Vacation, Examination may be in preceding Term.
23. Judges may appoint Examiners to be nominated to them by Incorporated Law Society.
24. Judges may appoint Professors.
25. Proper Officers for filing Affidavits and have Care of Rolls, and Names of Attorneys and Solicitors to be in alphabetical Order.
26. Copies of Enrolments to be sent to Registrar at End of each Term.
27. The Incorporated Law Society of Ireland to act as Registrar of Attorneys and Solicitors.
28. Indentures to be produced to Registrar within Three Months from Enrolment.

Clause A. Commissioners of Stamps not to grant Certificate without Certificate from Registrar.

29. Declaration required on Application for Certificate.

Clause B. Registrar's Certificates to be made stamped Certificates of Commissioners of Inland Revenue.

Clause C. Stamp to be determined by Place of Business.

30. Declaration to be in Duplicate, &c.
31. On Registrar's Refusal Power to apply to Court.
32. In case of Neglect to obtain stamped Certificate Application to Court or Judge.
33. Persons practising without Certificate incapable of recovering Fees.
34. If duly admitted in one Court capable of practising in all on signing Rolls, and if duly admitted in Chancery capable of practising in Bankruptcy and in Inferior Courts.
35. Defects in Service of Attorneys not to disqualify Apprentices, &c.
36. Applications to strike off Roll to be made within Twelve Months of Admission.

Clause D. Commissioners of Stamps to supply Information to Registrar if Certificate stamped before Fifth of January. If stamped after Fifth of January, Certificate to be produced by Party within One Month.

Clause.
CLAUSE E. When Certificate to begin and determine.
37. In case of Neglect for a Year to renew Certificate, Order necessary.
38. Rule for striking off Roll to be entered with Registrar.
39. Where struck off Roll of one Court to be struck off Roll of other Courts.
40. Penalty for wrongfully acting as an Attorney or Solicitor.
41. Fees to be payable under this Act.
42. Power to Courts to dispense with Rules.
43. No Fees to be payable except such as authorized by this Act.
44. Act to extend to Ireland only.

FIRST SCHEDULE.

Scale of Fees payable under this Act.

SECOND SCHEDULE.

Form of Registrar's Certificate - - - - FORM A.
Form of Annual Declaration for obtaining Certificate - FORM B.

A

B I L L

INTITULED

An Act to amend the Laws for the Regulation of the Profession of Attorneys and Solicitors in Ireland, and to assimilate them to those in England.

[Note.—*The Words and Clauses printed in Red Ink are proposed to be inserted in Committee.*]

WHEREAS it is expedient to amend, alter, and consolidate the Laws relating to the Admission and Enrolment of Attorneys and Solicitors, and to the Service of indentured Apprentices to Attorneys and Solicitors in Ireland, and to establish a Registrar of all such Attorneys, Solicitors, and Apprentices: Preamble.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. In the Construction of this Act, unless there be something in the Subject or Context repugnant to such Construction, the Word "Attorney" shall mean Attorney of One or more of the Superior Courts of Law at Dublin; the Word "Solicitor" shall mean Solicitor of the High Court of Chancery in Ireland; the Word "Registrar" shall mean the Registrar of Attorneys and Solicitors; the Expression "the Roll of Attorneys and Solicitors kept by the Registrar" shall mean the Roll or Book, Rolls or Books of Attorneys and Solicitors, which by this Act the Registrar is required to keep; Interpretation of Terms.

and the Expression "the Incorporated Law Society" shall mean "the Society of the Attorneys and Solicitors of Ireland" acting under their present or any future Charter.

Short Title of Act.

2. This Act may be cited as "The Attorneys and Solicitors Act (Ireland), 1866."

No Person to act as an Attorney or Solicitor unless admitted and enrolled.

3. From and after the passing of this Act no Person shall act as an Attorney or Solicitor, or as such Attorney or Solicitor sue out any Writ or Process, or commence, carry on, solicit, or defend any Action, Suit, or other Proceeding, in the Name of any other Person or in his own Name, in Her Majesty's High Court of Chancery in Ireland, or in the Courts of Queen's Bench, Common Pleas, or Exchequer at Dublin, or in the Court of Bankruptcy and Insolvency in Ireland, or in Her Majesty's Court of Probate in Ireland, or in the Landed Estates Court in Ireland, or in the Court of any Chairman of any County or Riding of a County, or in any Court of Civil or Criminal Jurisdiction, or in any other Court of Law or Equity in that Part of the United Kingdom of Great Britain and Ireland called Ireland, or act as an Attorney or Solicitor in any Cause, Matter, or Suit, civil or criminal, to be heard, tried, or determined before any Justice of Assize, of Oyer and Terminer, or Gaol Delivery, or at any General or Quarter Sessions of the Peace for any County, Riding, Division, Liberty, City, Borough, or Place, or before any Justice or Justices, unless such Person shall have been previously to the passing of this Act admitted and enrolled and otherwise duly qualified to act as an Attorney or Solicitor under or by virtue of the Laws now in force, or unless such Person shall after the passing of this Act be admitted and enrolled and registered and otherwise duly qualified to act as an Attorney or Solicitor pursuant to the Directions and Regulations of this Act, and unless such Person shall continue to be so duly qualified and registered and on the Roll at the Time of his acting in the Capacity of an Attorney or Solicitor as aforesaid, except as herein-after mentioned.

No Person to be admitted an Attorney or Solicitor unless he shall have served an Apprenticeship of Five Years.

4. No Person shall from and after the passing of this Act be capable of being admitted, enrolled, and registered as an Attorney or Solicitor save as herein-after provided, unless such Person shall have been bound by Indentures of Apprenticeship to serve as an Apprentice for and during the Term of Five Years to a practising Attorney or Solicitor in Ireland, and shall have duly served under such Indentures for and during the said Term of Five Years, and also unless such Person shall, after the Expiration of the said Term of Five Years, have been examined in the Manner herein-after directed

directed and sworn as by the Laws now in force required previously to such Admission, Enrolment, and Registration.

No Attorney to take or retain any Apprentice after discontinuing Business, nor whilst Clerk to another.

5. No Attorney or Solicitor shall take, have, or retain any Apprentice who shall be bound by Indentures as aforesaid after such Attorney or Solicitor shall have discontinued or left off practising as or carrying on the Business of an Attorney or Solicitor, nor whilst such Attorney or Solicitor shall be retained or employed as a Writer or Clerk by any other Attorney or Solicitor, and Service by any Apprentice under Indentures to an Attorney or Solicitor for and during any Part of the Time that such Attorney or Solicitor shall be so employed as Writer or Clerk by any other Attorney or Solicitor shall not be deemed or accounted as good Service under such Indentures.

In case Attorney become bankrupt or insolvent or be imprisoned, Indentures to be discharged or assigned.

6. In case any Attorney or Solicitor to whom any Apprentice shall be bound by Indentures as aforesaid shall, before the End or Determination of such Contract, become bankrupt, or take the Benefit of any Act for the Relief of Insolvent Debtors, or be imprisoned for Debt and remain in Prison for the Space of Twenty-one Days, it shall be lawful for any of the said Courts of Law or Equity wherein such Attorney or Solicitor is admitted as aforesaid, upon the Application of such Apprentice, to order and direct the said Indentures to be discharged, or assigned to such Person and upon such Terms and in such Manner as herein-after mentioned, or otherwise as the said Court shall think fit.

Persons having taken Degrees at certain Universities may be admitted after Three Years Service.

7. Any Person having taken the Degree of Bachelor of Arts or Bachelor of Laws in the University of Oxford, Cambridge, Dublin, Durham, or London, or in the Queen's University in Ireland, or the Degree of Bachelor of Arts, Master of Arts, Bachelor of Laws, or Doctor of Laws in any of the Universities of Scotland, none of such Degrees being honorary Degrees, and who at any Time after having taken such Degree, and either before or after the passing of this Act, has been bound by and has duly served under Indentures of Apprenticeship to a practising Attorney or Solicitor for the Term of Three Years, and has been examined and sworn in manner herein-after mentioned, and in accordance with the Practice of the Court of Chancery or Superior Courts of Law in Ireland, may be admitted and enrolled and registered as an Attorney or Solicitor; and where any Person has, before the passing of this Act, and at any Time after having taken such Degree, been bound as aforesaid for any Period exceeding Three Years, he may, after having duly served Three Years of such Term in such Manner as would have been required if he had been bound

for Three Years only, and having been examined and sworn as aforesaid, and with the Consent in Writing (endorsed on his Indentures of Apprenticeship) of the Attorney or Solicitor to whom he may be bound to the immediate Determination of his Indentures of Apprenticeship, be admitted, enrolled, and registered as an Attorney or Solicitor; and where such Consent is given as aforesaid, and acted upon under this Provision by the Person hereby made eligible to be admitted, enrolled, and registered as aforesaid, the Indentures of Apprenticeship shall be deemed to have determined as if they had determined by Effluxion of Time.

Persons having been at the Bar may be admitted after Three Years Service.

8. Every Person who either before or after the passing of this Act has been called to the Degree of Utter Barrister in Ireland, and after ceasing to be a Barrister has been bound by Indenture to serve as an Apprentice for any Term exceeding Three Years to a practising Attorney or Solicitor, and has in either of the said Cases continued in such Service for the Term of Three Years, and during the whole of such Three Years served in such Manner as is herein-before required in the Case of Persons who have taken Degrees in the said Universities, and been examined and sworn as aforesaid, after the Expiration of such Term of Three Years, may be admitted, enrolled, and registered as an Attorney and Solicitor: Provided always, that in the Case of any such Person as aforesaid who has been bound for a Period exceeding Three Years, it shall be necessary for such Term to be determined with Consent as herein-before provided in the Case of Persons having taken Degrees who may have been bound for a Period exceeding Three Years before the passing of this Act.

Persons attending certain Lectures and passing certain Examinations in Faculty of Law during Two Collegiate Years to be admitted after Four Years Service.

9. Every Person who, as a matriculated or as a non-matriculated Student of the University of Dublin or of any of the Queen's Colleges in Ireland, shall have attended or shall attend any prescribed Lectures, and shall have passed or shall pass any prescribed Examinations of the Professors of the Faculty of Law in the said University of Dublin or in any of the said Queen's Colleges for a Period of Two collegiate Years, and who shall have duly served as an Apprentice under Indentures for the Term of Four Years, in like Manner as by this Act provided respecting the Service for the Term of Five Years, shall at any Time after the Expiration of Five Years from the Commencement of such Attendance on Lectures, or of such Period of Service, which shall first happen, be qualified to be sworn and to be admitted as an Attorney or Solicitor respectively, according to the Nature of his Service, of the several and respective Superior Courts of Law or Equity in Ireland, as fully and effectually to all Intents and Purposes as any Person having

having been bound and having served Five Years is qualified to be sworn and to be admitted or enrolled and registered an Attorney or Solicitor under or by virtue of this Act.

Persons having been bonâ fide Clerks to Attorneys or Solicitors for Ten Years may be admitted after Three Years Service.

10. Any Person who, either before or after the passing of this Act, shall for the Term of Ten Years have been a bonâ fide Clerk to an Attorney or Solicitor, or Attorneys or Solicitors, and during that Term shall have been bonâ fide engaged in the Transaction and Performance, under the Direction and Superintendence of such Attorney or Solicitor, or Attorneys or Solicitors, of such Matters of Business as are usually transacted and performed by Attorneys and Solicitors, and who shall produce to the Examiners satisfactory Evidence that he has faithfully, honestly, and diligently served as such Clerk, and who, after the Expiration of the said Term of Ten Years, and after having been examined as may have been or may be required for the Time being of Persons seeking to become Apprentices to Attorneys or Solicitors, has been bound by and has duly served under Indentures of Apprenticeship to a practising Attorney or Solicitor for the Term of Three Years, and has been examined and sworn in the Manner for the Time being required in case of the Admission of Persons as Attorneys and Solicitors, may be admitted and enrolled as an Attorney and Solicitor; and where any such Person has, before the passing of this Act, been bound for any Period exceeding Three Years, he may, after having duly served Three Years of such Term, in such Manner as would have been required if he had been bound for Three Years only, and having been examined and sworn as aforesaid, and with the Consent in Writing (endorsed on his Indentures of Apprenticeship) of the Attorney or Solicitor to whom he may be bound to the immediate Determination of his Indentures of Apprenticeship, be admitted and enrolled as an Attorney and Solicitor; and where such Consent is given as aforesaid, and acted upon, under this Provision, by the Person hereby made eligible to be admitted and enrolled as aforesaid, the Indentures of Apprenticeship shall be deemed to have determined as if they had determined by Effluxion of Time.

Affidavit to be made and filed within Six Months of Execution of Articles, and the Articles to be enrolled.

11. Whenever any Person shall after the passing of this Act be bound by Indentures to serve as an Apprentice to any Attorney or Solicitor as aforesaid, the Attorney or Solicitor to whom such Person shall be so bound as aforesaid shall, within Six Months after the Date of every such Indentures, make and duly swear, or cause or procure to be made and duly sworn, an Affidavit or Affidavits of such Attorney or Solicitor having been duly admitted, and also of the actual Execution of every such Indentures by him the said Attorney or Solicitor, and by the Person so to be bound to

serve him as an Apprentice as aforesaid; and in every such Affidavit shall be specified the Names of every such Attorney or Solicitor, and of every such Person so bound, and their Places of Abode respectively, together with the Day on which such Indentures were actually executed; and every such Affidavit shall be filed within Six Months next after the Execution of the said Indentures, with and by the Officer appointed or to be appointed for that Purpose as herein-after mentioned, who shall thereupon enrol and register the said Indentures, and shall make and sign a Memorandum of the Day of filing such Affidavit upon such Affidavit, and also upon the said Indentures.

If not filed within Six Months the Service to reckon from the Day of filing, unless, &c.

12. Provided always, That in case such Affidavit be not filed within such Six Months, the same may be filed by the said Officer after the Expiration thereof; but the Service of such Apprentice shall be reckoned to commence and be computed from the Day of filing such Affidavit, unless One of the said Courts of Law or Equity shall otherwise order.

Affidavit to be produced on applying for Admission.

13. No Person who shall from and after the passing of this Act become bound as aforesaid shall be admitted an Attorney or Solicitor before such Affidavit so marked as aforesaid shall have been produced to the Court or Judge to whom such Person shall apply to be admitted an Attorney or Solicitor in pursuance of the Provisions herein-after contained, unless such Court or Judge shall be satisfied that the same cannot be produced, and shall think fit to dispense with the Production thereof.

Book to be kept for entering the Substance of Affidavits with the Names, &c. of Attorney and Apprentice, &c., which may be searched.

14. The Officer so appointed or to be appointed for filing such Affidavits as aforesaid shall keep a Book wherein shall be entered the Substance of every Affidavit which shall be so filed as aforesaid, specifying the Name and Place of Abode of the Attorney or Solicitor to whom any Person shall be bound to serve as an Apprentice, and of the Apprentice or Person who shall be so bound as aforesaid, and of the Person making such Affidavit, with the Date of the Indentures in such Affidavit mentioned or referred to, and the Days of swearing and filing every such Affidavit respectively; and such Officer shall be at liberty to take, at the Time of filing every such Affidavit, the Sum mentioned in the First Schedule to this Act annexed, and no more, as a Recompence for his Trouble in filing such Affidavits and preparing and keeping such Books as aforesaid; and such Books shall and may be searched in Office Hours by any Person whomsoever without Fee or Reward.

15. If

Apprentices whose Masters have died or left off Practice may enter into fresh Indentures for the Residue of their Term.

15. If any Attorney or Solicitor to or with whom any such Person shall be so bound shall happen to die before the Expiration of the Term for which such Person shall be so bound, or shall discontinue or leave off Practice as an Attorney or Solicitor, or if such Indentures shall by mutual Consent of the Parties be cancelled, or in case such Apprentice shall be legally discharged before the Expiration of such Term by any Rule or Order of the Court wherein such Attorney or Solicitor shall have been admitted, such Apprentice shall and may in any of the said Cases be bound by other Indentures or by an Assignment of his former Indentures to serve as Apprentice to any other practising Attorney or Solicitor or Attorneys or Solicitors during the Residue of the said Term; and Service under such Second or other Indentures or under such Assignment in manner herein-after mentioned shall be deemed and taken to be good and effectual, provided that an Affidavit be duly made and filed of the Execution of such Second or other Indentures, or of such Assignment, or of the making of any Order under the next Section of this Act, within the Time and in the Manner herein-before directed, and subject to the like Regulations with respect to the original Indentures and Affidavit of the Execution thereof, in so far as the same respectively are applicable thereto.

Power to Courts and Judges to order Assignments under last Section.

16. In the event of any Apprentice requiring to have an Assignment made of his Indentures under the last preceding Section, it shall be lawful for the Court of Chancery in Ireland or for the Superior Courts of Common Law at Dublin, or for any One of the Judges of the said Courts, upon Application being duly made by or on behalf of such Apprentice, and in case it shall be made to appear to the Satisfaction of such Court or Judge that a Difficulty exists in procuring such Assignment to be executed from any Cause whatsoever, to order that such Indentures shall be so assigned to such Person as to the Court or Judge may seem fit, and upon the making of any such Order the said Indentures shall be deemed and taken to be absolutely assigned in as full and ample a Manner as if an Assignment thereof had been duly executed by some Person or Persons legally entitled to assign the same.

Apprentices before Admission to make Affidavit of having served.

17. Every Person who shall have been or shall be bound as an Apprentice as aforesaid shall, before he be admitted an Attorney or Solicitor according to this Act, prove, by an Affidavit of himself and of the Attorney or Solicitor to whom he was bound as aforesaid, to be duly made and filed with the proper Officer herein-before mentioned, that he hath actually and really served and been employed by such practising Attorney or Solicitor, and that he has not held any Office or engaged in any Employment whatsoever other than the Employment of Apprentice to such Attorney or

Solicitor and his Partner and Partners in the Business, Practice, and Employment of an Attorney and Solicitor during the whole Time and in the Manner required by the Provisions of this Act; and such Affidavit may be in the Form to be approved by the Judges of the Court wherein such Person shall apply to be admitted.

Judges may require Examination in general Knowledge, either before Indentures or before Admission, with Power to dispense therewith in special Cases.

18. The Lord Chancellor, Lords Chief Justices of the Courts of Queen's Bench and Common Pleas, and the Lord Chief Baron of the Court of Exchequer, and the Master of the Rolls in Ireland, or any Three or more of them, shall from Time to Time make Regulations for the Examination in such Branches of general Knowledge as they may deem proper of all Persons hereafter becoming bound under Indentures of Apprenticeship to Attorneys or Solicitors, and the said Judges by such Regulations shall require such Examinations to be passed both before Persons so become bound and also before such Persons shall apply to be admitted Attorneys or Solicitors, as to the said Judges may seem fit, and the said Judges or any Three of them may from Time to Time revoke or alter any such Regulations as they think fit for conducting such Examination as aforesaid; and no Person required to pass such Examination shall be capable of being bound as aforesaid, where such Examination is required to be passed before being bound, or of being admitted as an Attorney or Solicitor where such Examination is required to be passed at any Time before Admission, unless before being bound or before being admitted (as the Case may require) he obtain from the Examiner a Certificate of having satisfactorily passed such Examination: Provided always, that the said Judges or any Three or more of them may where, under special Circumstances they see fit so to do, dispense with Compliance with such Regulations entirely or partially, or subject to any such Conditions as to them or him may seem fit.

Judges may require an Examination in legal Knowledge during Articles.

19. The Lords Chief Justices of the Courts of Queen's Bench and Common Pleas, and the Lord Chief Baron of the Court of Exchequer in Ireland, jointly with the Lord Chancellor and the Master of the Rolls in Ireland, or any Three or more of them, may from Time to Time, if they see fit, make Regulations for the Examination of Persons hereafter becoming bound under Indentures of Apprenticeship as aforesaid, at such Times or Periods of their Service under such Indentures, as the said Judges may think fit and direct, in order to ascertain the Progress made by such Persons in acquiring the Knowledge necessary for rendering them fit and capable to act as Attorneys or Solicitors, and such Examination shall be conducted by the Examiners to be appointed as herein-after mention

mentioned in this Behalf; and the said Judges may by such Regulations, in the Case of Persons who fail to pass such Examination to the Satisfaction of the Examiners, postpone either for a definite Time or such Time as the said Examiners may in each Case think proper, and either conditionally or otherwise, the Examination required to be passed at the Expiration of the Term of Service under Indentures and before Admission.

Persons on applying for Admission as Attorneys to be examined as to Fitness and Capacity.

20. It shall be lawful for the Chief Justices of the said Courts of Queen's Bench and Common Pleas, and the Chief Baron of the Court of Exchequer in Ireland, and for the Lord Chancellor and the Master of the Rolls in Ireland, or any Three or more of them, and he and they is and are hereby authorized and required, before any Person shall be admitted an Attorney or Solicitor, as the Case may be, to examine and inquire by such Ways and Means as he or they shall think proper touching the Apprenticeship and Service and the Fitness and Capacity of such Person to act as an Attorney or Solicitor, and if the Judges or Lord Chancellor and Master of the Rolls as aforesaid shall be satisfied by such Examination, or by the Certificate of such Examiners as herein-after mentioned, that such Person is duly qualified and fit and competent to act as an Attorney and Solicitor as the Case may be, then, and not otherwise, the said Judge or Judges, Lord Chancellor, and Master of the Rolls shall and he and they is and are hereby authorized and required to administer or cause to be administered to such Person the Oath now by Law required to be taken by Persons requiring to be admitted as Attorneys and Solicitors, and after such Oaths taken to cause him to be admitted an Attorney or Solicitor of such Court, and his Name to be enrolled as an Attorney or Solicitor of such Court and registered, which Admission shall be written on Parchment, and signed by such Judge or Judges, Chancellor, or Master of the Rolls respectively, or any Three or more of them.

Oaths to be administered.

Examination before Admission to extend to all Matters of Business usually transacted or performed by Attorneys or Solicitors.

21. The Examination which under this Act is authorized and required touching the Fitness and Capacity of a Person to act as an Attorney or as a Solicitor (as the Case may be) after the Expiration of the Term of his Service under Indentures and before his Admission as an Attorney or Solicitor, shall be deemed to include such Examination touching his Fitness and Capacity to act in Matters of Business usually transacted or performed by Attorneys or Solicitors as the Examiners for the Time being deem proper, subject nevertheless to any Rules, Orders, or Regulations for conducting the said Examination to be from Time to Time made in manner herein provided.

Where the Three, Four, or Five Years expire in any Vacation, Examination may take place in Term preceding such Vacation.

22. Whenever any of the Periods of Three Years, Four Years, and Five Years mentioned in this Act (whether the same Period shall have commenced before or after the passing of this Act) shall expire in any Vacation, then and in such Case any Person whose Period of Apprenticeship shall so expire shall be at liberty to pass his Examination in the Term immediately preceding the said Vacation; and at any Time in or after such Vacation, and after the said Period of Apprenticeship shall have expired, the Lord Chancellor of Ireland or the Master of the Rolls as to the Court of Chancery in Ireland, and any One of the Judges as to the Courts of Common Law at Dublin, on being satisfied by Affidavit or otherwise that the Period of Apprenticeship of such Person has expired, may proceed to administer to him the Oath or Oaths usually taken in Ireland by Apprentices before being admitted, and may do all other Acts necessary for or towards the Admission, Enrolment, and Registration of such Person as an Attorney and Solicitor.

Judges may appoint Examiners.

23. For the Purpose of facilitating the Inquiries and Examinations aforesaid it shall be lawful for the Lord Chancellor of Ireland, the Master of the Rolls in Ireland, and the Three Chief Judges of the Courts of Queen's Bench, Common Pleas, and Exchequer in Ireland (or any Three or more of them) from Time to Time to appoint such Person or Persons to be Examiner or Examiners for the Purposes aforesaid as to the said Judges shall seem fit, such Examiner or Examiners to be selected from Persons who shall have been nominated in Writing to them by the Incorporated Law Society.

Judges may appoint Professors.

24. It shall be lawful for the Lord Chancellor of Ireland, the Master of the Rolls, the Chief Justices of the Courts of Queen's Bench and Common Pleas, and the Chief Baron of the Court of Exchequer in Ireland, or any Three or more of them, from Time to Time to institute and appoint a Professorship or Professorships for the Benefit of Persons seeking to be admitted as Attorneys and Solicitors, and such Professorship or Professorships shall be filled by a Barrister or Barristers of not less than Six Years Standing, who shall hold Office for such Period as the said Judges shall direct, and the said Judges shall and are hereby required to make such Rules and Regulations with respect to Lectures to be delivered by the said Professor or Professors, and to the Attendance of Indentured Apprentices upon such Lectures of the said Professor or Professors, and the Subjects upon which such Lectures shall be delivered, and with respect to the several Examinations aforesaid, as to them shall seem fitting; and every Person seeking to be admitted as such Apprentice shall, upon his Admission, in addition to any other Fees by

by this Act required to be paid, and in case in the Opinion of such Judges any such Payment shall be necessary, pay to the Incorporated Law Society such Fees as in the Opinion of the said Judges shall be sufficient to create a Fund for the Payment of the Salary of the said Professor or Professors, and as they shall by any Rule or Order direct and require; and the Salary of such Professor or Professors and of all Examiners to be appointed as herein-before provided shall be paid by the said Incorporated Law Society out of the Fees to be received by them under the Provisions of this Act; and the said Society shall render an Account of all such Fees as herein-after provided in reference to the other Fees by this Act authorized to be paid to them.

The proper Officers for filing Affidavits of the Execution of Articles of Clerkship, and for having the Care of the Rolls.

25. From and after the passing of this Act the Masters of the several Courts of Law in Dublin, or such other Person or Persons as the Lord Chief Justice of the Court of Queen's Bench, the Lord Chief Justice of the Court of Common Pleas, and the Lord Chief Baron of the Court of Exchequer in Ireland shall for that Purpose severally and respectively appoint, shall be deemed and taken to be proper Officers for filing such Affidavits as aforesaid in the said respective Courts, and they shall have the Custody and Care of the Rolls or Books wherein Persons are at present enrolled as Attorneys in the said respective Courts, and shall and they are hereby respectively required from Time to Time to enrol the Name of every Person who shall be admitted an Attorney in the said respective Courts pursuant to the Directions in this Act, and the Time when admitted, in alphabetical Order in Rolls or Books to be provided and kept for that Purpose in their several and respective Offices; and also that the Registrars of the Court of Chancery in Ireland, or such other Person or Persons as the Master of the Rolls shall for that Purpose appoint, shall have the Custody and Care of the Rolls or Books wherein Persons are at present enrolled as Solicitors, and which said Registrars or such other Person or Persons as shall be appointed as last mentioned shall be deemed and taken as the proper Officer or Officers for filing such Affidavits as herein-before mentioned in the Court of Chancery; and he and they is and are hereby also respectively required from Time to Time, without Fee or Reward, to enrol the Name of every Person who shall be admitted a Solicitor pursuant to the Directions in this Act, and the Time when admitted, in alphabetical Order in Rolls or Books to be kept for that Purpose, to which Rolls or Books in the said Courts of Law or Equity respectively all Persons shall and may have free Access without Fee or Reward.

Names of Attorneys to be enrolled in alphabetical Order.

Names of Solicitors to be enrolled in alphabetical Order.

Officers having Custody of Roll of Attorneys and Solicitors to transmit to Registrars Copies of Enrolments at the End of each Term.

26. The Masters or other Officers having respectively the Custody of the Rolls or Books kept for the Enrolment of Attorneys or Solicitors in the Superior Courts of Law at Dublin, and the Registrars of the Court of Chancery in Ireland, shall within Seven Days after the End of every Term transmit to the Registrar, at the Expense of such Registrar, a Copy, under the Hands of such Masters and of the Registrars of the Court of Chancery or One of them respectively, or under the Seals of their respective Courts, of such Rolls or Books, so far as the same relate to Attorneys or Solicitors enrolled within such Term.

Appointment of Incorporated Law Society as Registrar of Attorneys and Solicitors.

27. From and after the passing of this Act there shall be a Registrar of Attorneys and Solicitors, and it shall be the Duty of such Registrar to keep an alphabetical Roll or Book or Rolls or Books of all Attorneys and Solicitors, to be called the Register of Attorneys and Solicitors, and to issue Certificates of Persons who have been admitted and enrolled as Attorneys or Solicitors when required so to do; and it shall be lawful to and for the Lord Chancellor, the Lord Chief Justice of Her Majesty's Court of Queen's Bench, the Master of the Rolls, the Lord Chief Justice of the Court of Common Pleas, and the Lord Chief Baron of the Court of Exchequer in Ireland (or any Three or more of them, of whom the Lord Chancellor or Master of the Rolls shall be One,) to make such Orders, Directions, and Regulations touching the Performance and Execution of the Duties aforesaid as they shall think proper; and such Registrar or some Person duly appointed by him shall have free Access to and shall be at liberty from Time to Time to examine and take Copies or Extracts, without Fee or Reward, of all Rolls or Books kept for the Enrolment of Attorneys and Solicitors in any of Her Majesty's Courts of Law at Dublin, and the Office of such Registrar shall be vested in "the Incorporated Society of the Attorneys and Solicitors of Ireland," either under their present or any future Charter of Incorporation.

Indentures of Apprenticeship to be produced to the Registrar and entered within Three Months from Enrolment.

28. The Indentures whereby any Person shall be bound to serve as an Apprentice to any Attorney or Solicitor, and also any Assignment thereof, shall, within Three Months after the same has or have been respectively enrolled and registered pursuant to this Act, be produced to the Registrar, who shall enter the Names of the Parties to and the Date of such Indenture, and also of such Assignment, if any, and the Term of Service, in a Book to be kept for that Purpose, and the Registrar shall mark such Indentures and such Assignment, if any, as having been so produced and entered, with

with the Date thereof, and such Book shall be open to public Inspection during Office Hours without Fee or Reward; and in case such Indentures and such Assignment, if any, be not so produced to and entered by the Registrar as aforesaid within such Three Months as aforesaid, the Service of the Apprentice shall be reckoned to commence from the Date of such Production and Entry, unless upon an Application, of which Notice shall be given to the Registrar, One of the Superior Courts of Law at Dublin, or a Judge thereof, or the Court of Chancery, shall otherwise order.

CLAUSE A. Commissioners of Stamps not to grant any Certificate until Registrar has certified that the Person applying is entitled thereto

From and after the First Day of January One thousand eight hundred and sixty-seven it shall not be lawful for the Commissioners of Inland Revenue or any of their Officers, save as next herein-after mentioned, to grant or issue to any Person any Stamp upon a Certificate authorizing such Person to practise as an Attorney or Solicitor, but every Person desiring to obtain such stamped Certificate shall deliver to the said Commissioners or their proper Officer, at the Head Office of Inland Revenue in Dublin, a Certificate from such Registrar as aforesaid that such Person is an Attorney or Solicitor, and entitled to a stamped Certificate, and such Registrar's Certificate shall be thereupon stamped with the proper Amount of Duty payable thereon, and shall have the same Force and Effect as the stamped Certificate heretofore issued authorizing Persons to practise as such Attorneys and Solicitors.

On Application for Certificate a Declaration to be signed and entered in a Book.

29. For the Purpose of obtaining such Registrar's Certificate as aforesaid a Declaration in Writing, signed by such Attorney or Solicitor or by his Partner, or in case such Attorney or Solicitor shall reside more than Twenty Miles from Dublin, then by his Dublin Agent, being an Attorney or Solicitor, on his Behalf, containing his Name and Place of Residence, and the Court or One of the Courts of which he is then admitted an Attorney or Solicitor, together with the Term and Year in or as of which he was so admitted, shall be delivered to the said Registrar, who shall cause all the Particulars in such Declaration to be entered in a proper Book to be kept for that Purpose, which shall be open to the Inspection and Examination of all Persons without Fee or Reward; and the said Registrar shall, after the Expiration of Six Days after the Delivery of such Declaration (unless he shall see Cause and have Reason to believe that the Party applying for such Certificate is not upon the said Roll of Attorneys or Solicitors) deliver to the said Attorney or Solicitor, or to his Agent as aforesaid, on Demand, a Certificate in the Form set forth in the Third Schedule to this Act annexed, and which last-mentioned Certificate shall be delivered to the Commissioners of Inland Revenue as herein-before directed for the Purpose of being stamped.

Clause B. Registrar's Certificates to be made the stamped Certificates of the Commissioners of Inland Revenue.

The Stamp Duties chargeable on such Certificates shall be denoted upon the Registrar's Certificates, and upon any such Certificate being stamped accordingly, and the Date of the Payment of the Duty certified by the proper Officer by Writing under his Hand, or by other sufficient Means, the same shall be and be deemed the proper stamped Certificate required by Law to be taken out by the Attorney or Solicitor named therein.

Clause C. The Amount of Stamp Duty to be determined by the Place of Business.

For determining the Rate of Stamp Duty payable on the Certificate, the Place or Places where the Attorney or Solicitor shall carry on his Business shall be deemed to be the Place or Places of his Residence within the Meaning of the Acts relating to the Stamp Duties on Certificates; and after the Sixth Day of January One thousand eight hundred and sixty-seven the Declaration required to be delivered to the Registrar for the Purpose of obtaining his Certificate, and also the Certificate to be granted thereon, shall accordingly specify the Place or Places where the Attorney or Solicitor by or for whom the Certificate is required so carries on his Business, and shall respectively be in the Forms (A.) and (B.) contained in the Second Schedule to this Act.

The Declaration on applying for the Registrar's Certificate to be in Duplicate, and One Copy to be left with the Commissioners.

30. The Declaration required to be made for the Purpose of obtaining the Registrar's Certificate shall be made out and signed in Duplicate, and one of such Duplicates shall be delivered to and left with the Registrar, and the other produced to him, and the Duplicate so produced, together with the Certificate granted on such Declaration, shall be left with the Commissioners or their proper Officer on applying to have the Certificate stamped, and shall be and be deemed the Note in Writing required by Law to be delivered to the Commissioners or their Officer to entitle the Attorney or Solicitor to a stamped Certificate; and for every such Certificate issued by the Registrar, and the previous requisite Search and Inquiry, there shall be paid to the Registrar the Sum of Five Shillings by such Attorney or Solicitor.

On Registrar's Refusal Application to be made to Court.

31. In case the said Registrar shall decline to issue such Certificate as he is herein-before directed and required to give, the Party so applying for the same, if an Attorney, shall and may apply to any of the said Courts of Law at Dublin, or to any Judge thereof, or, if a Solicitor, to the Lord Chancellor or the Master of the Rolls, who are hereby respectively authorized to make such Order in the Matter as shall be just, and to order Payment of Costs by and to either of the Parties if they shall see fit.

In case of Neglect to obtain a

32. If any Attorney or Solicitor shall neglect to procure an annual stamped Certificate authorizing him to practise as such within

within the Time by Law appointed for that Purpose, then and in such Case the said Registrar shall not afterwards grant a Certificate to such Attorney or Solicitor without the Order of the Lord Chancellor or the Master of the Rolls in the Case of a Solicitor, or of One of the Courts of Queen's Bench, Common Pleas, or Exchequer in Ireland, or of One of the Judges thereof, in the Case of an Attorney, authorizing such Registrar to issue such Certificate; and it shall be lawful for the Lord Chancellor or the Master of the Rolls, or for such Court or Judge, to make such Order, upon such Terms and Conditions as he or they shall think fit.

stamped Certificate Application to be made to the Court or Judge.

33. No Person who as an Attorney or Solicitor shall sue, prosecute, defend, or carry on any Action or Suit or any Proceedings in any of the Courts aforesaid, without having previously obtained a stamped Certificate which shall be then in force, shall be capable of maintaining any Action or Suit at Law or in Equity for the Recovery of any Fee, Reward, or Disbursement for or in respect of any Business, Matter, or Thing done by him as an Attorney or Solicitor as aforesaid whilst he shall have been without such Certificate as last aforesaid.

Persons practising without Certificate incapable of recovering Fees.

34. Every Person who shall have been duly admitted an Attorney of any one of the Superior Courts of Law at Dublin shall be entitled, upon the Production of his Admission therein, or an official Certificate thereof, and that the same still continues in force, to be admitted as an Attorney in any other of the said Courts, or in any Inferior Court of Law in Ireland, upon signing the Roll of such other Court, where any such Roll exists, but not otherwise, and shall thereupon be entitled to practise as an Attorney therein in like Manner as if he had been sworn in and admitted an Attorney of such Court; provided always, that no additional Fee besides those payable by virtue of this Act shall be demanded or paid; and that every Person who shall have been duly admitted a Solicitor of the High Court of Chancery shall be entitled upon the Production of his Admission therein, or an official Certificate thereof and that the same still continues in force, to be admitted as a Solicitor in the Court of Bankruptcy and Insolvency in Ireland, and shall be entitled to practise as a Solicitor therein in like Manner as if he had been sworn in and admitted a Solicitor of such Court; provided also, that no additional Fee besides those payable by virtue of this Act shall be demanded or paid.

Persons duly admitted in one Court capable of practising in all other Courts on signing the other Rolls.

Persons duly admitted in Chancery capable of practising in Bankruptcy and in all Inferior Courts of Equity.

35. No Person who shall have duly served his Apprenticeship under Indentures pursuant to the Provisions of this Act shall be prevented

Defects in the Service, &c. of Attorneys not

to disqualify Persons who have served them.

prevented or disqualified from being admitted and enrolled as an Attorney or Solicitor, nor liable to be struck off the Roll if admitted, by reason or in consequence of the Attorney or Solicitor to whom he may have been bound by such Indentures having been after such Service struck off the Roll, provided that such Apprentice or Person be otherwise entitled to be admitted and enrolled, according to the Provisions herein-before contained.

Applications for striking Attorneys off the Roll for Defect in Indentures, &c. to be made within Twelve Months of Admission.

36. No Person who has been admitted and enrolled shall be liable to be struck off the Roll for or on account of any Defect in the Indentures of Apprenticeship, or in the Registry thereof, or in his Service under such Indentures, or in his Admission and Enrolment, unless the Application for striking him off the Roll be made within Twelve Months from the Time of his Admission and Enrolment, provided that such Indentures, Registration, Service, Admission, or Enrolment be without Fraud.

Clause D. Certificate to be entered with the Registrar, the Commissioners to supply Particulars where stamped before Fifth Day of January in every Year.

For enabling the Registrar to enter upon the Roll of Attorneys and Solicitors kept by him a Note or Minute of the Time of stamping every Certificate, the Commissioners shall, whenever the same shall be required after the Sixth Day of February in every Year, furnish to the Registrar an Account of the Certificates issued between the Sixth Day of February and the Fifth Day of January preceding, for which during the same Period the Stamp Duties have been paid, specifying the Names and Places of Business of the Parties respectively to or for whom the same have been issued, and the Dates of Payment of the Stamp Duties; or in lieu of such Account the Commissioners at their Option shall return to the Registrar the aforesaid Duplicate Declarations to which such Certificates relate, with a Note or Memorandum on each of them specifying the Date of Payment of the Stamp Duty for the Certificate, and the Registrar shall, upon such Account being furnished, or such Duplicate Declarations being returned to him as aforesaid, enter such Note or Minute as aforesaid; and in order to such Entry being made in respect of Certificates stamped at any other Time, every such last-mentioned Certificate shall, within a Month of the Payment of the Duty, be produced to the Registrar, who shall thereupon make such Entry, and signify the same by a Note or Memorandum upon the Certificate; and every such last-mentioned Certificate which shall not be so produced within the said Period shall have Effect only as a Qualification to practise from the Time when it shall be produced: Provided that it shall be lawful for the Lord Chancellor or the Master of the Rolls in the Case of a Solicitor, or One of the Superior Courts of Law at Dublin or One of the Judges thereof in the Case of an Attorney, at any Time to make

Where stamped after Fifth Day of January, Certificate to be produced by the Party to be entered within a Month.

make an Order directing that any Certificate not so produced shall have Effect upon and from the Time of stamping the same or any subsequent Period.

Clause E. When Certificate to bear Date and when to determine.

Every Certificate issued by the Registrar between the Fifth Day of January and the Sixth Day of February in any Year shall bear Date on the Sixth Day of January, and shall take effect on that Day for all Purposes, provided it be stamped before the Sixth Day of February, and in every such Case the Fifth Day of January shall, for the Purpose of this Act, be deemed to be the Date of the Payment of the Duty; but if such Certificate be not so stamped it shall take effect, as regards the Qualification to practise, on the Day on which it is stamped; and every Certificate issued at any other Time shall bear Date on the Day on which it is issued, and, subject to the Provisions herein contained relating to Certificates stamped after the Fifth Day of January in any Year and not produced within a Month to be entered by the Registrar, shall take effect as regards such Qualification on the Day on which it is stamped; and every Certificate shall be and continue in force from the Day on which it shall take effect as aforesaid until the Fifth Day of January next following inclusive, and no longer.

In case of Neglect for a Year to renew Certificate, Order of Court or Judge necessary.

37. If any Attorney or Solicitor after having at any Time taken out a stamped Certificate shall for the Space of a whole Year from and after the Expiration thereof have neglected to renew the same for the following Year the Registrar shall not afterwards grant a Certificate to such Attorney or Solicitor except under an Order of the Lord Chancellor or the Master of the Rolls in the Case of a Solicitor, or of One of the Superior Courts of Law at Dublin or of One of the Judges thereof in the Case of an Attorney, and it shall be lawful for the Lord Chancellor, or the Master of the Rolls, or such Court or Judge, to direct the Registrar to issue a Certificate to such Person upon such Terms and Conditions as he or they shall think fit.

Rule for striking Attorneys off the Roll to be entered with the Registrar.

38. Where the Name of any Attorney or Solicitor is ordered to be struck off the Roll of Attorneys or Solicitors of any Court on his own Application or on the Application of any other Person, the Rule or Order for that Purpose shall forthwith, and before the same is acted upon, be produced to the Registrar, and the Registrar shall enter a Note or Minute of such Rule or Order in connexion with the Name of such Attorney or Solicitor on the Roll of Attorneys and Solicitors kept by the Registrar, and shall strike such Name off such Roll, and shall mark such Rule or Order as having been entered.

An Attorney struck off the Roll of one of the Courts to be struck off the Rolls of other Courts.

39. The Name of every Person hereafter struck off the Roll of Attorneys of any of the Superior Courts of Law at Dublin, or suspended for a Time from practising therein by the Rule of any of such Courts, or off the Roll of Solicitors of the Court of Chancery by Order of any Judge of that Court, shall, upon Production of an Office Copy of such Rule or Order, and an Affidavit of the Identity of the Person named therein, to the proper Officer of every or any other of the said Courts of which such Person is an Attorney or Solicitor, be struck off the Roll of such Court, or suspended for the Time mentioned in said Order from practising therein; and in case any such Person be at any Time thereafter restored to the Roll, or permitted to resume practising therein, by the Rule of the Court, or Order of any Judge of the Court, by the Rule of which or the Order of a Judge of which his Name was struck off such Roll or suspended from practising, he shall, upon Production of an Office Copy of the Rule or Order so restoring him, with an Affidavit of the Identity of the Person named therein, to the proper Officer of every or any such other Court, be restored to the Roll thereof, or permitted to resume practising therein, without Payment of any Fee or Fine whatsoever.

Penalty for wrongfully acting as an Attorney or Solicitor.

40. Every Person who acts as an Attorney or Solicitor contrary to the Enactments herein-before mentioned, or who in his own Name or in the Name of any other Person in anywise acts as a Proctor in or with respect to any Proceeding in the Court of Probate or any Ecclesiastical Court without being duly qualified so to act, shall be deemed guilty of a Contempt of the Court in which the Action, Suit, Cause, Matter, or Proceeding in relation to which he so acts is brought, had, or taken, and may be punished accordingly, and shall be incapable of maintaining any Action or Suit for any Fee or Reward for or in respect of anything done or any Disbursement made by him in the course of so acting, and shall, in addition to any other Penalty or Forfeiture, and to any Disability to which he may be subject, forfeit and pay for every such Offence the Sum of Fifty Pounds, to be recovered, with full Costs of Suit, by Action brought with the Sanction of Her Majesty's Attorney General, in the Name of the Incorporated Law Society, in any of the Superior Courts of Law at Dublin; and such Penalty shall be applied in like Manner as Fines imposed for practising without a stamped Certificate are now by Law applicable.

Fees to be payable under this Act.

41. The several Fees specified in the First Schedule hereto annexed shall be paid to the Registrar appointed by this Act in respect of the several Matters therein mentioned, and the said Registrar shall yearly render an Account of all Sums of Money so received

received by virtue of this Act and of the Application of the same to the Lord Chancellor of Ireland, the Master of the Rolls, the Lords Chief Justices of the Courts of Queen's Bench and Common Pleas, and the Lord Chief Baron of the Court of Exchequer in Ireland, and the said Lord Chancellor, Master of the Rolls, and Lords Chief Justices and Lord Chief Baron, or any Three or more of them, by Order under their Hands may from Time to Time fix and regulate the Fees to be taken for the several Lectures and Examinations by this Act authorized to be instituted, and may increase or diminish such Fees from Time to Time: Provided always, that a Copy of such Account so rendered as aforesaid shall be open to the Inspection of any Attorney or Solicitor at the Office of the Registrar.

Not to prejudice Power of Courts, &c. to dispense with Rules.

42. Nothing in this Act contained shall prejudice or take away any Right or Power now possessed by any Court of Law or Equity or by any of the Judges of such Courts to dispense in any particular Case and under special Circumstances with any of the Rules or Conditions relating to the Admission or Examination of Attorneys or Solicitors, or Apprentices.

No Fees to be payable by Apprentices or Attorneys or Solicitors other than those authorized by this Act.

43. From and after the passing of this Act no Fees other than those by this Act authorized to be paid and received shall be payable by any Person seeking to be bound as an indentured Apprentice as aforesaid, or by any Person seeking to be admitted and enrolled as an Attorney or Solicitor in any Court of Law or Equity in Ireland.

Act to extend to Ireland only.

44. This Act shall extend to Ireland only.

FIRST SCHEDULE to which this Act refers.

Scale of Fees to be payable under this Act.

	£	*s.*	*d.*
Fee to be paid to the Incorporated Law Society by each Candidate on applying for Permission to attend Preliminary Examination	5	0	0
Fee to be paid to said Society by each Apprentice on applying for Permission to attend final Examination for Admission as an Attorney	10	0	0

SECOND SCHEDULE to which this Act refers.

FORM (A.)

Form of Registrar's Certificate.

Pursuant to an Act passed in the Session of Parliament holden in the and Years of the Reign of Queen Victoria intituled (*Title of this Act*), the Incorporated Law Society, as the Registrar of Attorneys and Solicitors appointed under the said Act, hereby certify, that

Attorney at Law (*or* Solicitor in Chancery, *as the Case may be*), whose Place (*or* Places) of Business is (*or* are) at

hath this Day delivered and left with the Secretary of the said Society (*or* the said, *the Name of the Registrar for the Time being*) a Declaration in Writing, signed by the said Attorney (*or* Solicitor) (*or* by his Partner, *or* by his Dublin Agent on his Behalf, *as the Case may be*), containing his Name and Place or Places of Business, and the Court or One of the Courts of which he is admitted an Attorney or Solicitor, together with the Term and Year in or as of which he was so admitted; and the said Society (as the Registrar) hereby further certify, that the said Attorney (*or* Solicitor) is duly enrolled in the Court of Queen's Bench at Dublin (*or as the Case may be*), (*or* a Solicitor in the High Court of Chancery

Chancery in Ireland), and is entitled to practise as such Attorney or Solicitor, upon this Certificate being duly stamped as required by Law.

Given under the Hand of the Secretary of the Incorporated Law Society (as such Registrar) this Day of 18 .

} *Secretary's Signature.*

FORM (B.)

Form of Annual Declaration for obtaining the Registrar's Certificate.

No.

I hereby declare that I (*or A.B.*) was admitted an Attorney (*or* Solicitor, *as the Case may be*,) of the Court of in Term, in the Year and that my (*or* his) Place or Places of Business are as follow:

Dated this 18 .

A.B. (*or C.D.* Partner (*or* Dublin Agent) of the said *A.B.*)

To

The Registrar of Attorneys and Solicitors in Ireland.

Attorneys and Solicitors (Ireland), 1866.

A

BILL

INTITULED

An Act to amend the Laws for the Regulation of the Profession of Attorneys and Solicitors in Ireland, and to assimilate them to those in England.

(*Brought from the Lords* 18 *May* 1866.)

Ordered, by The House of Commons, *to be Printed*, 1 *June* 1866.

[Bill 172.]

Under 4 *oz.*

A

B I L L

TO

Make Bank of England Notes a legal Tender in Ireland, and to authorize Banks of Issue in Ireland to make their Notes payable only at the Places in Ireland at which the Account of Gold and Silver Coin held by such Bankers is taken by the Commissioners of Stamps and Taxes.

Preamble.

WHEREAS it is expedient to make Bank of England Notes a legal Tender in Ireland, and also to authorize Bankers entitled to issue Bank Notes in Ireland to make their Notes payable only at the Places in Ireland at which the Account of Gold and Silver Coin held by such Bankers is taken by the Commissioners of Stamps and Taxes: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Bank of England Notes to be a legal Tender in Ireland.

1. From and after the *passing of this Act* a Tender of a Note or Notes of the Governor and Company of the Bank of England expressed to be payable to Bearer on Demand shall be a legal Tender in Ireland to the Amount expressed in such Note or Notes,

and shall be taken to be valid as a Tender to such Amount for all Sums above *Five Pounds* on all Occasions on which any Tender of Money may be legally made so long as the Bank of England shall continue to pay on Demand their said Notes in legal Coin: Provided always, that no such Note or Notes shall be deemed a legal Tender of Payment of the same by the Governor and Company of the Bank of England in Ireland or elsewhere.

The Bank of England may, if they shall so think fit, open Branch Banks in Ireland or appoint Agents there.

2. The Governor and Company of the Bank of England, if they shall so think fit, may open One or more Branch Banks in Ireland, and at such Branch Banks may carry on all such Banking Business as they are now by Law allowed to carry on at any Branch Bank in England, or they may appoint any Bank or Banks in Ireland to act as their Agent or Agents for the Issue and Payment of their Notes.

9 G. 4. c. 81. repealed.

3. The Act of the Ninth of George the Fourth, Chapter Eighty-one, intituled "An Act for making Promissory Notes issued by "Banks, Banking Companies, or Bankers in Ireland, payable at "the Places where they are issued," is hereby repealed.

Where Notes issued by Banks of Issue in Ireland are to be made payable.

4. After the *passing of this Act* it shall not be necessary for Banks of Issue in Ireland to make their Promissory Notes expressed to be payable to Bearer on Demand payable at the Place where the same shall be issued or re-issued, but it shall be sufficient for such Banks to make all such Promissory Notes payable at their several Head Offices or Principal Places of Issue in Ireland at which the Amount of Gold and Silver Coin held by such Banks is now taken under the Twentieth Section of the Eighth and Ninth of Victoria, Chapter Thirty-seven.

Bank Notes (Ireland).

A

BILL

To make Bank of England Notes a legal Tender in Ireland, and to authorize Banks of Issue in Ireland to make their Notes payable only at the Places in Ireland at which the Account of Gold and Silver Coin held by such Bankers is taken by the Commissioners of Stamps and Taxes.

(*Prepared and brought in by Sir Colman O'Loghlen and Mr. O'Beirne.*)

Ordered, by The House of Commons, *to be Printed*, 20 *February* 1866.

[Bill 29.]

Under 1 *oz.*

Bankruptcy Law Amendment, &c. Bill.

ARRANGEMENT OF CLAUSES.

Clause.

Preamble.

1. Short Title and Commencement.
2. Repeal of Acts.
3. Vesting of Courts and Buildings.
4. Bankruptcies prior to this Act to be prosecuted under repealed Acts.
5. Bankruptcies subsequent to this Act to be prosecuted under this Act.

The Court of Bankruptcy and Court of Appeal.

6. The Court of Bankruptcy continued for the Purposes of this Act, and to continue a Court of Record, &c.
7. Limits of the Bankruptcy Districts.
8. Jurisdiction of County Courts under this Act.
9. Power to transfer Jurisdiction, &c. of Commissioners to County Courts in case of Vacancies.
10. Court of Appeal.
11. Decrees, &c. of the said Court of Appeal may be appealed from to the House of Lords.

Commissioners and Registrars of the Court.

12. Existing Commissioners to be continued.
13. Vacancies in Country Districts not to be filled up. Commissioners in London to be reduced to Two.
14. Chief Registrar, &c. to hold Office during good Behaviour, and Vacancies to be filled up by Lord Chancellor.
15. Oath to be taken.
16. Power to appoint additional Registrars.
17. As to Duties of County Court Registrars.
18. Lord Chancellor may attach the Commissioners, &c. acting in the Country to such Districts as he shall think fit, &c.
19. In case of Illness, &c. of Commissioner, Registrar may act for him.
20. Registrars may act for each other, &c.

Taxing Master.

Clause.
21. Lord Chancellor empowered to appoint a Taxing Officer. Tenure of Office, Duties, and Removal.
22. Bills to be taxed.
23. Registrars in Country Districts to be Taxing Officers.

Comptroller in Bankruptcy.

24. Appointment of Comptroller in Bankruptcy.
25. To superintend the Conduct of Trustees and Inspectors.
26. To report Disobedience.
27. In case of Illness, &c. of Comptroller, Lord Chancellor to appoint a Deputy.

Accountant in Bankruptcy.

28. Accountant to have Superintendence, &c. of Funds.
29. Lord Chancellor may make new Appointment on Vacancy, or abolish Office of Accountant in Bankruptcy.
30. Accounts kept at Bank of England called "The Bankruptcy Fund Account," and "Chief Registrar's Account," to be subject to Orders of Lord Chancellor.
31. Securities may be purchased. Lord Chancellor may order Securities purchased to be sold in certain Cases.
32. If Securities at any Time insufficient to answer the Demands of any Bankrupt, &c., the Sum taken for the Purposes of this Act to be made good by Parliament.
33. Incidental Expenses.

Other Officers of the Court, and Clerks.

34. Offices of Official Assignee and Messenger, &c. abolished.
35. Ushers.
36 Present Clerks of Chief Registrar, Accountant, and Master of Court of Bankruptcy to continue, and on Vacancy Lord Chancellor to appoint.

Disqualification of Officers.

37. Disqualification to sit in Parliament. Exemption from Juries, &c.

Salaries and Compensations.

38. Salaries of Officers of Court of Bankruptcy.
39. Superannuation Allowances.
40. Pensions to Holders of abolished Offices.
41. Compensation to Clerks.

Clause.
42. Provision as to Annuitants accepting other public Offices.
43. Compensations to be paid by Treasury.

Practice of the Court.

44. Sittings of the Court. Lord Chancellor to regulate Sittings in Vacation.
45. Commissioners may sit at Chambers.
46. Registrars, their Powers and Jurisdiction. Registrars to sit in Chambers. County Court Registrars.
47. Courts may direct Registrar to hold Meetings, &c. Expenses of such Registrar, &c. Powers of Registrar so acting.
48. Persons refusing to answer may be referred to Commissioner.
49. Parties may take Opinion of the Commissioner. Certificates of Registrars at Chambers to be binding.
50. Special Case.
51. Payment of Money by Party on Judgment being given.
52. Orders in England to be enforced in Scotland and Ireland; and conversely.
53. Sealing and Signature of Warrants. Records and Proceedings to be sealed.
54. Solicitors of the Court of Chancery may practise in Bankruptcy, and appear and plead without Counsel.
55. Power to award Costs. Remedies for recovering Costs. Order for Costs must be registered, &c. under 23 & 24 Vict. c. 38. and 27 & 28 Vict. c. 112.

Evidence.

56. Evidence how to be taken.
57. Appointment of Shorthand Writers. Declaration to be made by Shorthand Writer.
58. Affidavits, Declarations, &c. before whom to be sworn. Judicial Notice of Seal or Signature thereto.
59. The Courts of Bankruptcy in England to be auxiliary for the Purpose of taking Affidavits to be used elsewhere.
60. As to Fees on taking Oaths, or making Declarations in Bankruptcy.
61. Affidavits by Prisoners.
62. Provisions of 17 & 18 Vict. c. 34. as to Attendance of Witnesses out of Jurisdiction extended to Court of Bankruptcy.
63. Courts in Scotland to be auxiliary to the Court in England in the Examination of Witnesses, &c. Proceedings for that Purpose.

Clause.
64. Courts in Ireland to be auxiliary in like Manner.
65. Courts in England to be in like Manner auxiliary to Courts in Scotland, Ireland, and elsewhere.
66. Petitions and other Proceedings in Bankruptcy, and Copies, purporting to be sealed with the Seal of the Court, admissible in Evidence.
67. Judicial Notice to be taken of Signature of Commissioner or Registrar and Seal of Court.
68. Evidence as to Insolvency, &c. abroad.
69. Advertisements, when Evidence.
70. On Death of Witness, Office Deposition or Copy thereof to be Evidence.

Practice in Appeals.

71. Orders of Court subject to Appeal, except as herein provided.
72. Appeals, &c. to be entered in Office of Chief Registrar, &c.
73. Proceedings not to be stayed by Appeal.

General Orders.

74. Purposes for which General Orders are to be framed.
75. General Orders in County Courts.
76. Alteration of General Orders. All General Orders to be laid before Parliament.

Fees and Stamps.

77. General Orders to direct what Fees to be paid. Fees to be received in Stamps.
78. Certain Documents to be on stamped Vellum, &c. in lieu of Fees.
79. Documents not to be received without a Stamp. Proviso where so received through Mistake.
80. Commissioners of Inland Revenue to give the necessary Directions, to keep separate Accounts, &c., and to pay over Monies received to Bank of England.
81. Commissioners of Inland Revenue may appoint Persons for Sale and Distribution of Stamps, and make Allowance for spoiled Stamps.
82. Provisions of Acts relating to Stamps to be applied to the Stamps to be provided under this Act.
83. Deeds and other Instruments relating to Bankruptcy not liable to Stamp Duty.
84. Officers,

Clause.
84. Officers, &c. taking Fees improperly.
85. Officers of the Court may be dismissed for Fraud or wilful Neglect in relation to Stamps.

Abolition of Imprisonment for Debt.

86. Arrest upon Final Process in an Action for Debt or Decree in Equity abolished.
87. Discretion of County Court Judge under 8 & 9 Vict. c. 127. and 9 & 10 Vict. c. 95.
88. Persons in Execution at the Time of passing this Act shall be discharged on Application to a Judge. Proviso for Discharge fraudulently obtained. Sheriffs, &c. not liable as for Escape. Judgment, &c. to remain in force notwithstanding the Discharge of the Debtor.
89. Compensation to Persons who may lose Emoluments.

Acts of Bankruptcy.

1. Of any Person.

90. Person going or remaining abroad, or making fraudulent Conveyance, with Intent to defeat or delay his Creditors.
91. Debtor lying in Prison or escaping out of Prison.
92. Debtor filing a Declaration that he is unable to meet his Engagements.
93. Petition by or against Debtors followed by Adjudication in the Foreign Dominions of the Crown.

2. Of Traders only.

94. Departing the Dwelling, absenting, beginning to keep House, fraudulent Execution.
95. Compounding with Petitioning Creditor.
96. Suffering Execution to be levied.

3. On Trader Debtor Summons.

97. On Creditor making Affidavit of his Debt, and of his having given Notice requiring immediate Payment, &c., Court may summon the Trader. Notice, &c. in Cases of Partnership.
98. Manner of proceeding upon the Appearance of the Trader.
99. Admission of Debt signed elsewhere than in Court, if attested by Trader's Attorney, to have the same Force as an Admission signed in Court.
100. Acts of Bankruptcy on Trader Debtor Summons.
101. Acts of Bankruptcy on Admission of Debt.

Clause.
102. Court may award Costs to the Creditor or the Trader summoned.
103. If Creditor bring an Action, and do not recover the Amount sworn to in his Affidavit of Debt, and if the Affidavit be made for such Amount without probable Cause, the Defendant in the Action shall be entitled to Costs.

Proceedings to obtain Adjudication of Bankruptcy.

1. Proceedings by Petition.

104. Any Creditor may petition, but no Debtor may.
105. What shall be considered Debts for such Purpose.
106. Form of Petition and Affidavit.
107. Court in which to be filed.
108. Power to consolidate, impound, and transfer Proceedings upon Petitions.
109. Before Adjudication against a Debtor under Section 90. the Petition to be served.
110. Court may before Adjudication summon Witnesses to prove Act of Bankruptcy.
111. Court to make Adjudication, &c. upon Proofs of requisite Conditions.
112. Where Petitioner does not proceed, Power for Court to adjudicate. Court may proceed notwithstanding Death of Bankrupt.
113. Petitioning Creditor to proceed at his own Costs until Election of Trustee.

2. Proceedings by Judgment Debtor Summons.

114. Judgment Debtor Summons, who may sue it out, and when.
115. The like, in Cases of Disobedience to Decree in Equity, or Order in Bankruptcy, or Lunacy.
116. Court out of which such Summons shall issue.
117. Service of Summons.
118. Where Service cannot be effected, &c., Court may order Notice in Gazette, &c.
119. Procedure upon Appearance of Debtor.
120. Debtor refusing to conform may be committed.
121. Adjudication upon Summons, and Nonpayment or for Failure to appear. Stamp Duty thereupon.

3. Pro-

Clause.

3. Proceedings in respect of Adjudication abroad.

122. Where Debtor who has been adjudged bankrupt, &c. in India or the Colonies resides or has Property in England, &c., Power to obtain Adjudication in England, &c., and Proceedings thereupon.

4. Proceedings by or against Partnerships.

123. Petition by the public Officer of Copartnership.

124. Petitions may be presented against One or more Partners in a Firm; and Petitions against Two or more Persons may be dismissed as to One or more without affecting the rest.

125. In Cases of a Second or other Petition against One or more Members of a Firm, the same shall be prosecuted in the Court in which the first was prosecuted, &c.

Notice and annulling of Adjudication.

126. No Adjudication to be dismissed by reason only of Concert.

127. Bankrupt to have Notice thereof before Advertisement of Adjudication, and to be allowed Seven Days, or such extended Time, not exceeding Fourteen Days, as the Court shall think fit, to show Cause against Adjudication.

128. When Notice of Adjudication need not be served on Bankrupt.

129. If Bankruptcy not disputed within certain Time, Gazette to be conclusive Evidence.

Interim Preservation of Estate.

130. In case Debtor against whom a Petition has been filed be about to quit England, or to remove or conceal his Goods, with Intent to defraud Creditors, he may be arrested and his Goods seized.

131. Court may take Measures to preserve Estate.

132. After Adjudication the Bankrupt's Papers may be sealed up.

Transfer of Proceedings.

133. Petition not to be dismissed for Error in Selection of Court.

134. Petition filed in County Court may be transferred to Court of Bankruptcy.

135. Petition may be transferred to more convenient District.

136. Procedure on Transfer.

137. Appeal against Transfer.

Election of Trustee and Inspectors.

138. Order to appoint the First Meeting of Creditors. Which shall be intimated in Gazette. Notice of Adjudication.

139. If Time for disputing Adjudication enlarged, new Day to be fixed.

Clause.
140. Procedure at Meeting.
141. Election of Trustee.
142. Judgment of Registrar or Commissioner as to Trustee.
143. When Registrar not present.
144. Judgment of Registrar or Commissioner as to Trustee to be final.
145. Security to be given by Trustee.
146. Certificate of Appointment of Trustee. To be a complete Title.
147. Election of Inspectors.
148. Trustee may be a Creditor, but Bankrupt's Relation, &c. disqualified, and the like as to Inspectors.
149. Removal or Resignation of Trustee. Election of a new Trustee.
150. Removal or Resignation of Inspector.

Proof of Debts.

1. General Rules.

151. Bonâ fide Creditors, in respect of Debts contracted after an Act of Bankruptcy, may prove.
152. Notice of Acts of Bankruptcy to Agents of Corporate Bodies, &c.
153. Proving Debt to be an Election not to proceed against Bankrupt by Action.

2. Debts liquidated or certain.

154. Set-off.
155. Interest.
156. Discount.
157. Costs, &c.
158. Debt payable by Instalments.
159. Rent and other Payments falling due at fixed Periods.
160. Goods pledged by Agent.
161. Partner of Two Firms.
162. Bottomry or Respondentia Bonds and Policies of Assurance.

3. Debts contingent or unliquidated.

163. Premiums upon Policies of Insurance.
164. Contingent Debt or Liability to be valued.
165. Unliquidated Damages.
166. Annuity Creditors.

4. When

4. When arising from Guarantee by Sureties.

Clause.
167. Sureties for Payment of Annuities.
168. Sureties for the Bankrupt.

5. When secured on Bankrupt's Property.

169. Security not available unless by Mortgage, &c.
170. Securities over Estate to be valued.
171. Valuation of Securities with a view to a Dividend.

6. Further Deductions from Proof for voting.

172. Valuation of collateral Securities.
173. Trustee may require a Conveyance of Security by Creditor on 20 per Cent. Addition to his own Valuation. Creditor may correct Valuation by new Proof.
174. Joint Creditor entitled to prove under separate Estate, for the Purpose of voting in the Choice of Assignees.
175. Persons acquiring Debts after Adjudication not to vote for Trustee.

7. Manner of Proof of Debts.

176. When and how Debts may be proved. Declaration for Proof of Debt.
177. Admission of Proofs for voting.
178. When Valuation requisite.
179. Admission of Proofs for Dividends. Proof may be expunged or reduced.
180. Provision for Correction of Proof.

Examination of Bankrupt.

181. Examination of Bankrupt.
182. Court may issue Warrant to arrest Bankrupt.
183. Examination.
184. The Bankrupt to prepare a Statement of Accounts.
185. Statement of Accounts to be open to Creditors.
186. Bankrupt to make out Statement without Assistance, except under special Circumstances.

Examination of other Parties.

187. Court may summon other Persons.
188. Service of Summons where Persons keep out of the way.
189. Court may order Letters addressed to Bankrupt to be delivered to Trustee.
190. Witnesses and Persons known or suspected to have Bankrupt's Property, &c. entitled to Costs of Attendance, &c.

Commitment of Bankrupt or Witness.

Clause.
191. Penalty on Refusal to answer.
192. Examination of Persons summoned.
193. Form of Warrant for Commitment of Bankrupt or Witness. Copy of his Examination to be delivered to Person committed.
194. Discharge of Person committed.

Second and subsequent Meeting of Creditors.

195. Calling of Second Meeting. Report by Trustee.
196. Powers of Creditors over Estate.
197. How Meetings to be called.
198. Notice of Meetings. No Notice to be sent in certain Cases.
199. Rules as to computing Majorities. Proxies for Creditors may vote.

General Duties of Trustee and Inspectors.

200. Trustee to take possession of Estate and Books, and make up Inventory.
201. Trustee to recover Funds of Estate.
202. To be paid by Commission, but not to be entitled to charge for Assistance.
203. Penalty on Trustee retaining Funds.
204. Trustee to keep a Minute Book, and send Copy of Accounts to Comptroller.
205. Duties of Inspectors.
206. Receiver, Trustee, and Inspector amenable to Court.

Appeals from Resolutions of Creditors or Decisions of Trustee or Inspector.

207. Creditor, Inspector, or Trustee may appeal to Court. Power to rescind or vary.

Vesting of Estate in Trustee.

208. Real Estate to vest in Trustee.
209. When a Conveyance of the Property of a Bankrupt would require to be registered, the Certificate of Appointment of the Trustee shall be registered.
210. Clauses in 3 & 4 W. 4. c. 74. extended to Proceedings under Petition for Adjudication.
211. Copyhold and Customary Lands of Bankrupt. Vendees of Copyhold Lands shall compound with the Lord for their Fines.

Clause.
212. Bankrupt not liable to Rents or Covenants in Conveyances, Leases, &c.; and if Trustee decline to determine whether he will accept Conveyance, &c., any Person entitled may apply to the Court. Trustees may elect to take Lease for limited Period.
213. Trustee may execute Powers previously vested in Bankrupt.
214. Life Estates in Remainder, &c.
215. Personal Estate to vest in Trustees.
216. Where Bankrupt beneficially entitled to Stock Transfer to be made to Trustee. Any Treasurer, &c: or Agent of the Bankrupt to deliver all Monies, &c.

Realization of Estate.

217. Titles to Property sold not to be impeached, unless Proceedings taken to annul, and duly prosecuted.
218. Conditional Estates granted by the Bankrupt may be redeemed by Trustees.
219. Mortgagee may bid at Sale.
220. Portion of Pay, Half Pay, Salary, or Pension of Bankrupt to be applicable for Creditors.
221. Sequestration of Profits of Benefice of bankrupt Clergyman may be obtained.
222. Search Warrants may be issued.
223. No Action to be brought against Persons acting in obedience to Warrant of the Court. Proof in such Actions that Defendant is Trustee sufficient to render him liable.
224. Person holding Warrant may break open the Bankrupt's Doors, &c. and seize upon Property.
225. Execution of Warrant in Scotland or Ireland.
226. Power to mortgage or pledge Bankrupt's Property.
227. Power to sell Bankrupt's Book Debts, Goodwill, &c.
228. Goods in the Possession, Order, or Disposition of the Bankrupt to be deemed his Property. Proviso for Assignment of Vessels.
229. Court may order Payment of Debts admitted to be due to Bankrupt. Such Order to have Effect of Judgment.
230. Concealing Bankrupt's Effects. Allowance to Persons making Discovery. Latent Partner.

Conveyances or Contracts by the Bankrupt.

231. Power of Court over certain Conveyances, &c. made by Bankrupt.

Clause.
232. Court may proceed when the Bankrupt by Fraud makes himself accountable to the Crown.
233. Payments, Conveyances, Contracts, &c., Executions against Lands (if executed by Seizure), and against Goods (if executed by Seizure and Sale) to be valid, if no Notice of prior Act of Bankruptcy; but nothing herein to give Validity to Payments, &c. by way of fraudulent Preference.
234. Bonâ fide Purchases not to be impeached by Notice of Acts of Bankruptcy, unless Petition filed within Twelve Months after the Act of Bankruptcy.
235. Execution levied before filing Petition.
236. Distress not to be available for more than One Year's Rent due; Landlord to prove for the Residue.
237. Certain Warrants of Attorney, &c. given within Two Months of filing Petition to be null and void.
238. Petitioning Creditor compounding with Debtor after Bankruptcy.
239. Where Bankrupt is a Trustee, the Lord Chancellor may order Conveyance or Assignment to another Trustee.

Actions by or against Trustee.

240. Trustee may institute or defend Actions or Suits, and compound for Debts due to the Estate, or submit Disputes to Arbitration. Reference to Arbitration may be made a Rule of Court.
241. Court may authorize Action in Name of Trustee and of the Partner of Bankrupt. Partner to have Notice, and be at liberty to show Cause. Court may direct Partner to have Part of Proceeds.
242. If Adjudication be annulled, &c. Persons from whom the Trustee has recovered, &c. discharged from Claims by the Bankrupt.
243. Suits not to abate by Death or Removal of Trustee.
244. If Trustee commences Action before Time allowed to dispute the Bankruptcy has elapsed, Debtor to Estate may pay Money into Court.
245. Limitation of Actions. General Issue. Costs.
246. In Actions no Proof required of Petitioning Creditor's Debt, Trading, or Act of Bankruptcy, unless Notice be given.
247. The same in Suits in Equity.

Payments

Payments to be made in priority.

Clause.
248. One Year's Parochial Rates to be paid in full. Payment of Assessed Taxes.
249. Monies belonging to any Friendly Society.
250. Three Months Wages or Salary to Clerks or Servants. Wages not exceeding Forty Shillings to Labourer or Workman.
251. Apprentices to Bankrupts discharged from their Indentures. Sum to be paid in respect of Apprentice Fees.

Payment of Dividend.

252. Trustee to make up and exhibit to Inspectors Statement of Funds. Inspectors to resolve as to Payment of Dividend, &c.
253. Trustee to examine and reject or admit Claims, and make up List of Creditors entitled to Payment of Dividend; and to publish and send Notices of Payment of Dividend. Creditors may appeal within a limited Period.
254. Trustee to make up a Statement of Division.
255. Dividends to be paid, and those disputed or claimed by contingent Creditors to be lodged in Bank.
256. Trustee to make up Statement, &c., and Inspectors to resolve as in case of First Dividend.
257. Same Proceedings as in prior Dividends.
258. Dividends may be accelerated in certain Cases.
259. Proceedings when Inspectors postpone the Dividend.
260. Where Estate is chiefly Land Periods of Payment may be altered.
261. Creditors proving before Second Dividend to receive also Equivalent for First Dividend.
262. Creditor resident abroad may prove at later Periods.
263. No Action to be brought for Dividends, but the Remedy to be by Application to the Court.
264. Unclaimed Dividends.
265. Surplus to be paid to Bankrupt.

Allowances to the Bankrupt.

266. Allowance to Bankrupt for Maintenance.
267. Allowance to Bankrupt on Discharge.
268. One Partner may receive Allowance although other not entitled.

Bankrupt's Discharge.

Clause.
269. Proceedings for Bankrupt's Discharge.
270. Discharge after Six Years.
271. Rehearing of Order of Discharge.
272. If Order suspended on Rehearing, subsequent Creditors to prove first against subsequent Property.
273. Order, when to be drawn up.
274. Appeal against Decision.
275. Effect of Discharge.
276. If Trustee indebted to Bankrupt's Estate become bankrupt, his Discharge shall not discharge his future Effects in respect of such Debt.
277. Effect of Order in case of Partners, &c.
278. Contract or Security with Intent to induce Creditor to forbear Opposition. Proviso.
279. Penalty for obtaining Money, Goods, &c. as an Inducement to forbear Opposition to Discharge.

Trustee's Discharge.

280. Proceedings for Trustee's Discharge.

Change from Bankruptcy to Arrangement.

281. Creditors may resolve that Estate ought to be wound up under Deed of Arrangement, &c.
282. Resolution to be reported to the Court. Power to Court to confirm.
283. Court to make a Declaration of complete Execution of Deed of Arrangement, and to direct it to be registered; and to annul Bankruptcy. Deed, if so registered, to be binding on Creditors not executing.
284. Court to have Jurisdiction to entertain Applications of Bankrupt or any Party to the Deed respecting Bankrupt's Estate and Affairs. Questions under the Deed to be decided according to Law of Bankruptcy.
285. Where Bankruptcy to proceed as if no Resolution had been passed.
286. Where Bankruptcy annulled.

Trust Deeds for Benefit of Creditors, Composition and Inspectorship Deeds.

Clause.
287. What Deeds to be valid, and upon what Conditions.
288. Particulars of Deed to be entered by the Chief Registrar. Copy of Entry to be published in the Gazette.
289. Deed to be registered in the Court of Bankruptcy, and in default not to be received in Evidence.
290. Memorandum of Registration.
291. Jurisdiction of the Court, and Rights and Liabilities of the Parties after Registration of Deed.
292. Memorandum of Alteration of Deed referred to in Section 287 may be executed by Majority of Creditors, and approved by Court.
293. Debtor's Property not thereafter liable.
294. Stay of Proceedings in Bankruptcy after Execution of Deed till Registration.
295. Provision in case Debtor cannot obtain Assent of requisite Majority of Creditors.

Registers and Returns.

296. Comptroller to keep Register of Bankruptcies.
297. To superintend annual Returns. To frame Report.
298. Trustee to make an annual Return to Comptroller.
299. Docket Book. Registrars to transmit Copies of Entries, Adjudications, &c. to Chief Registrar.
300. Accountant, Master, &c. to make annual Returns.

Notices.

301. What Notices to be sent by Post.
302. General Orders as to Advertisements.

Offences and Criminal Proceedings.

303. Penalty on Persons guilty of Misdemeanors herein named.
304. Jurisdiction and Powers of Commissioners in proceeding in respect of Bankrupt guilty of any Offences herein-before named. Provisions of 11 & 12 Vict. c. 42. extended to this Act.
305. Creditor or Court may appoint Prosecution. Costs of Prosecution.
306. Power to direct Reference to Attorney General.
307. False Declaration a Misdemeanor.
308. False Evidence.

309. Inserting Advertisements without Authority.
310. Forging Signature of Commissioner or Officer or Seal of Court, &c., Felony.
311. Indictment.
312. Gaoler suffering Persons committed to escape, &c.
313. Appropriation of Forfeitures.
314. Power for Court to commit Persons wilfully disobeying any Rule or Order of the Court.
315. Sections 114, 115, 116, and 117 of 9 & 10 Vict. c. 95. to apply to Officers acting in execution of Warrants or Orders of the Courts.

Definition and Explanation of Terms.

316. Definition of Terms, &c.
317. Want of Form when not to invalidate Proceedings. Forms in Schedules may be altered by General Orders.

SCHEDULES.

A

B I L L

TO

Amend and consolidate the Law relating to Bankruptcy in England, and to abolish Imprisonment for Debt on Final Process.

WHEREAS it is expedient to amend the Law relating to Bankruptcy in England, and to consolidate the same, and at the same Time to abolish Imprisonment for Debt on Final Process: Preamble.

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited for all Purposes as "The Bankruptcy Act, 1866," and shall not extend to Scotland or Ireland, except where otherwise specially provided, and shall commence and take effect, except where otherwise specially provided, from the *Eleventh Day of October One thousand eight hundred and sixty-six.* Short Title and Commencement.

2. The Acts and Parts of Acts set forth in Schedule (A.), to the Extent to which they are therein expressed to be repealed, and all other Acts or Parts of Acts which are inconsistent with this Act, are repealed; but such Repeal shall not affect any Proceeding pending, or any Right that has arisen or may arise, or any Criminal Offence, or the Prosecution and Punishment of the same under any Repeal of Acts.

such Acts or Parts of Acts, or any Penalty incurred or that may be incurred, in respect of any Transaction, Act, Matter, or Thing done or existing prior to or at the Commencement of this Act, under or by virtue of any of the Acts or Parts of Acts repealed, nor affect any Orders of Her Majesty in Council, or any General Orders made by or with the Sanction of the Lord Chancellor under such Acts, except in so far as any of the Provisions of such Orders in Council or General Orders are inconsistent with this Act.

Vesting of Courts and Buildings.

3. The Building in Basinghall Street in the City of London called the Court of Bankruptcy, and the Building in Portugal Street, Lincoln's Inn Fields, called the Court for Relief of Insolvent Debtors in England, and the several Buildings which have been provided or which may be provided for the Court of Bankruptcy in the several Districts in the Country, shall, together with the Ground on which all such Buildings are erected, vest in the Commissioners of Her Majesty's Works and Public Buildings, and shall be appropriated to such Purposes as the Lord Chancellor shall direct.

Bankruptcies prior to this Act to be prosecuted under repealed Acts.

4. Bankruptcies in which Adjudication is made before the Commencement of Operation of this Act shall be prosecuted under the Acts hereby repealed, and such Acts shall as to all Matters arising out of or connected with such Bankruptcies remain in force: Provided that it shall be lawful for the Court, if it shall think fit, on the Application of any Party concerned, to order that any Proceedings in such Bankruptcies shall be carried on under the Provisions of this Act, and on such Order to give all necessary Directions for carrying the same into effect.

Bankruptcies subsequent to this Act to be prosecuted under this Act.

5. Proceedings in Bankruptcies in which Adjudication is not made till after this Act has come into operation shall be wholly prosecuted under this Act; but any Proceedings taken prior to such Date, according to the Law and Practice then in force, shall be valid to support Adjudication and other Proceedings made or taken subsequently under this Act.

The Court of Bankruptcy and Court of Appeal.

The Court of Bankruptcy continued for the Purposes of this Act, and to continue a Court of Record, &c.

6. The Court of Bankruptcy shall continue to be a Court of Record and a Court of Law and Equity for the Purposes of this Act; and the Records and Proceedings of every Kind at the Commencement of this Act in the said Court in London, and in the several Districts in the Country, shall be kept as such Records and Proceedings in like Manner in the Court so continued; and the said Court shall have all the Powers, Rights, Incidents, and Privileges of the Superior Courts of Law; and each of the Commissioners for the Time being acting in London and in the several Districts in the Country shall be and form the Court of Bankruptcy.

7. The

Limits of the Bankruptcy Districts.

7. The Limit and Extent of the several Districts of the Court of Bankruptcy acting in London and in the Country at the Time of *the passing of this Act* shall be and remain the Limit and Extent of such District: Provided that it shall be lawful for Her Majesty, with the Advice of Her Privy Council, from Time to Time to alter the Name, Limit, or Extent of such Districts or any of them, or to increase or diminish the Number of the same.

Jurisdiction of County Courts under this Act.

8. The Judge of every County Court (except of the Metropolitan County Courts) now or hereafter to be established shall have and exercise within his respective District the like Jurisdiction, Powers, and Authorities, and perform the same Duties, for and in respect of all Matters and Things coming before such County Court by virtue of this Act, as are vested in the District Courts of Bankruptcy.

Power to transfer Jurisdiction, &c. of Commissioners to County Courts in case of Vacancies.

9. If upon any Vacancy in the Office of Commissioner of any Country District Court there shall no longer be a Commissioner for such District, Her Majesty shall have Power, by Order in Council, to transfer all the Jurisdiction, Powers, and Authorities held by the Commissioner to the Judges of the County Courts or any of them, exercising Jurisdiction within such District or any Part thereof, and thenceforth all Enactments relating to the Court of Bankruptcy for such District shall be applicable to the Judge of each such County Court within the District of such Court, in so far as such last-mentioned District was within the District of such Court of Bankruptcy, and the Lord Chancellor shall have Power, by Order, from Time to Time to provide in all respects for the Exercise of Jurisdiction in Bankruptcy by such County Court Judges or Judge, and for the Continuance of the Exercise of their respective Duties in the whole or any Part of the District by the Registrar and other Officers attached to the Court of the Commissioner making such Vacancy.

Court of Appeal.

10. The Court of Appeal in Chancery shall be the Court of Appeal in Bankruptcy, and shall be and form a Court of Record, and have all the Powers of and incident thereto, and all the Powers by this Act given to the Court of Bankruptcy; and all Orders by the Court of Appeal in Bankruptcy shall have the same Effect as Orders of Courts of Equity under the Act passed in the First and Second Years of the Reign of Her present Majesty, Chapter One hundred and ten, and the Powers given to such Courts by the said Statute shall be exercised by the said Court of Appeal; and all the Powers of the Court of Chancery as to the Trial of Questions of Fact, either before itself by Juries, or by directing an Issue to be tried in any Court of Common Law, or otherwise, and all the Provisions made by Statute or General Order in reference to such Trials shall be exercised by and applicable to the Court of Appeal sitting in Bankruptcy.

 11. All

Decrees, &c. of the said Court of Appeal may be appealed from to the House of Lords.

11. All Decisions, Decrees, or Orders of the Court of Appeal in Matters of Bankruptcy shall be subject to Appeal to the House of Lords only on Matters of Law or Equity, or on the Rejection or Admission of Evidence, and on a Special Case, to be approved and certified by One of the Judges of the Court of Appeal hereby constituted, whose Determination on the Settlement of such Case shall be final and conclusive.

Commissioners and Registrars of the Court.

Existing Commissioners to be continued.

12. The Persons now discharging the Duties of Commissioners of the existing Court of Bankruptcy under any permanent Appointment shall continue to be Commissioners of the Court in the same Districts respectively, and they and their Successors shall hold Office during good Behaviour, subject to Dismissal by Her Majesty upon an Address of both Houses of Parliament.

Vacancies in Country Districts not to be filled up.

Commissioners in London to be reduced to Two.

13. On a Vacancy occurring in the Office of any Commissioner for a Country District, such Office shall not be filled up, and the Registrar shall thenceforth, until the Jurisdiction of such Court shall be transferred to any County Court, in virtue of Section Nine of this Act, perform all the Duties and exercise all the Powers of such Office in addition to those of Registrar. On Vacancies occurring in the Office of Commissioner in the London District, such Offices shall not be filled up until the Number of Commissioners acting in the London District shall be reduced to less than Two, when it shall be lawful for Her Majesty, if She shall think fit, from Time to Time, by Warrant under the Great Seal of the United Kingdom, to appoint a Commissioner of any Country District, or a Barrister or Sergeant-at-Law of not less than *Ten Years* standing at the Bar, to be Commissioner in the London District, but so that the Number of such Commissioners shall not at any Time exceed Two.

Chief Registrar, &c. to hold Office during good Behaviour, and Vacancies to be filled up by Lord Chancellor.

14. The Persons now discharging the Duties of Chief Registrar or Registrars of the Court of Bankruptcy, or hereafter to be appointed to any of such Offices, shall hold Office during good Behaviour, subject to Dismissal by the Lord Chancellor, by Order, for some sufficient Reason to be set forth in such Order. Upon any Vacancy in the Office of Chief Registrar, such Vacancy shall be filled up by such One of the Registrars of the Court as the Lord Chancellor shall direct. Upon any Vacancy in the Office of Registrar, such Vacancy shall be filled up by the Lord Chancellor, if, having regard to the State of the Business of the Court, he shall think fit to fill it up, or, if he think fit, he may appoint a fit Person to perform the Duties of the Office so vacant, at such Remuneration as he shall direct, not exceeding the Rate of Salary of such Office, and for such Time as he shall think proper.

15. Every

15. Every Commissioner and Registrar to be hereafter appointed, and every Judge and Registrar of a County Court on whom any Duties in Matters of Bankruptcy shall be hereafter imposed by virtue of this Act shall, before he is capable of acting, take and subscribe before any Magistrate the following Oath, which shall be recorded in the Court to which such Commissioner, County Court Judge, or Registrar is attached: Oath to be taken.

'I *A.B.* do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Knowledge, execute the several Powers and Trusts reposed in me as One of the Commissioners [*or* Registrars] of the Court of Bankruptcy [*or* as a County Court Judge [*or* Registrar] acting in Bankruptcy], and that without Favour or Affection, Prejudice or Malice.

'So help me GOD.'

16. If the Lord Chancellor shall at any Time, by Order, declare that, having regard to the State of the Business of the Court of Bankruptcy and the Duties of the Registrars, he is of opinion that additional Registrars ought to be appointed, either in London or in any Country District, it shall be lawful for the Lord Chancellor to appoint such additional Registrars. Power to appoint additional Registrars.

17. The Registrars of the several County Courts exercising Jurisdiction under this Act shall discharge the Duties of Registrar in all Matters under this Act within their several Districts in such Manner, and shall receive such Remuneration in respect of such Services, as General Orders shall direct. As to Duties of County Court Registrars.

18. The Lord Chancellor may from Time to Time attach the Commissioners and Registrars acting in the Country to the London District, or to such Country District as he shall think fit, and may order any Commissioner acting for any District, whether London or Country, to hold Sittings at such Places within his District as the Lord Chancellor may think fit, and may give all necessary Directions in that Behalf. Lord Chancellor may attach the Commissioners, &c. acting in the Country to such Districts as he shall think fit, &c.

19. Any Registrar of the Court may, during Vacation, or during the Illness or Absence from any other reasonable Cause of any Commissioner thereof, act for and as the Deputy of such Commissioner; and any such Registrar so acting shall have and exercise all Power vested in the Court. In case of Illness, &c. of Commissioner, Registrar may act for him, &c.

20. Any Registrar of the Court may act for the Chief Registrar or for any other Registrar thereof; and during the Illness, or temporary Absence from any reasonable or unavoidable Cause, of any Registrar acting in the Country, the Lord Chancellor (as Registrars may act for each other, &c.

Occasion may require, and for such Time as he shall think fit to allow,) may authorize and direct any other Registrar, whether of the London or Country Districts, to act in the Stead of the Registrar so ill or absent, or may appoint a fit Person to act in the Stead of such Registrar during his Illness or during his Absence as aforesaid, for such Period or Periods as shall not exceed in the whole the Period of *Two Months* in any One Period of Twelve consecutive Months; and any such Registrar or Person so appointed and acting shall have all the Power, Jurisdiction, and Authority and perform all the Duties of the Registrar for or in aid of whom he shall so act.

Taxing Master.

Lord Chancellor empowered to appoint a Taxing Officer.

21. On any Vacancy in the Office of Taxing Master, the Lord Chancellor shall have Power to appoint to such Office any Person who shall have held the Office of Registrar of the Court of Bankruptcy for not less than *Five Years*, or be an admitted Attorney of One of Her Majesty's Superior Courts at Westminster, or of Her Majesty's Court of Bankruptcy, in actual Practice, of not less than *Five Years* standing on the Roll of such Court or Courts; and every such Taxing Master shall hold his Office during his good Behaviour, and shall discharge his Duties in Person, except where otherwise provided by this Act, or by any Regulation to be made under this Act, and may be removed from his Office by the Lord Chancellor for Misconduct. In case of the Sickness of such Taxing Master or his Absence from any unavoidable Cause for more than *Two Months*, the Lord Chancellor may appoint a Deputy to act for such Time and for such Remuneration as he shall direct, and such Remuneration shall be paid out of any Funds standing to the Chief Registrar's Account.

Tenure of Office, Duties, and Removal.

Bills to be taxed.

22. All Bills of Costs, Charges, Fees, and Disbursements of Solicitors and Attorneys in Matters under this Act before the Court of Bankruptcy in London, and before the Court of Appeal in Bankruptcy, and such taxable Bills as may be specially referred to the Taxing Master by any District Court or any County Court, shall be taxed by the Taxing Master, subject to the Review of the Court in London.

Registrars in Country Districts to be Taxing Officers.

23. In every Country District Court, and in every County Court exercising Jurisdiction under this Act, all Bills of Costs, Charges, Fees, and Disbursements aforesaid shall (unless where such Court shall otherwise direct) be taxed and settled by the Registrar of such Court, subject to Appeal to the Court of which he is Registrar. It shall be lawful for the Commissioner of any District Court, or Judge of any County Court, to refer any such Bills, or any Question thereon, to the Taxing Master in London.

Comptroller

Comptroller in Bankruptcy.

Appointment of Comptroller in Bankruptcy

24. It shall be lawful for the Lord Chancellor to appoint some competent Person, to be called "The Comptroller in Bankruptcy," and who shall hold Office during good Behaviour, subject to Dismissal by the Lord Chancellor, by Order, for some sufficient Reason to be stated in such Order; and the Comptroller shall hold no other Office, and shall not, directly or indirectly, by himself or any Partner, be engaged in any Trade, or in any Business or Profession, and he shall not, directly or indirectly, have any Management of or Dealing with any Money of any Bankrupt Estate.

To superintend the Conduct of Trustees and Inspectors.

25. It shall be competent for the Comptroller, if it shall appear to him by means of any Information officially received by him, or of any Complaint made to him by any Creditor, that any Trustee or Inspector appointed under this Act is or may be subject to any Charge of not faithfully performing the Duties, and duly observing all Rules and Regulations imposed on him or them by Statute, General Orders, or otherwise relative to the Performance of those Duties, to inquire into the same, and if not satisfied with the Explanation given he shall report thereon to the Court, and the Court, after hearing such Trustees or Inspectors thereon, and investigating the whole Matter, may remove such Trustees or Inspectors or any of them from their Office, or otherwise deal with them as the Justice of the Case may require.

To report Disobedience.

26. The Comptroller shall at all Times, when requisite, report to the Court any Disobedience by the Trustee or Inspectors of any Requisition or Order by him, and generally any Matter which he may deem it necessary for the due Discharge of his Office to bring before the Court, and it shall be lawful for the Court to give and enforce such Orders as may be required for carrying out the Provisions of this Act.

In case of Illness, &c. of Comptroller, Lord Chancellor to appoint a Deputy.

27. In case of the Illness or temporary Absence of the Comptroller, the Lord Chancellor may authorize any One of the Comptroller's Clerks or other qualified Person to discharge the Duties of the Office for the Time.

Accountant in Bankruptcy.

Accountant to have Superintendence, &c. of Funds.

28. The Accountant in Bankruptcy shall have the Care and Management of any unclaimed Dividends or Funds which may be directed to be paid into the Bank of England under this Act, and of all Funds now standing in the Bank of England in Name of the Accountant, and shall hold and deal with the same in such Manner as may by the Lord Chancellor, or by any General Rule or Order

to be made in pursuance of this Act, be directed; and the Brokerage Business of the Accountant's Office shall be transacted upon such Terms and the Sum payable to the Broker shall be paid in such Manner as shall be directed by any such General Rule or Order, and the Amount to be so paid shall be charged by the Accountant to the Estate or Account for which the Investment or Sale shall be made.

Lord Chancellor may make new Appointment on Vacancy or abolish Office of Accountant in Bankruptcy.

29. Upon any Vacancy in the Office of Accountant in Bankruptcy, the Lord Chancellor shall have Power to appoint a competent Person to fill such Office, who shall hold the same during good Behaviour, subject to be removed by the Lord Chancellor by Order, for some sufficient Reason to be stated in such Order; provided that if upon any Vacancy in such Office it shall appear to the Lord Chancellor that the Office may, with Advantage to the Public Service, be abolished, he may by General Order declare it to be abolished, and the Duties thereof shall thereafter be discharged by the Chief Registrar, and the several Funds standing in the Books of the Bank of England to the Credit of the Accountant shall be transferred to such Account or Accounts in the Name of the Chief Registrar, and in such Manner as General Orders shall direct.

Accounts kept at Bank of England called "The Bankruptcy Fund Account" and "Chief Registrar's Account" to be subject to Orders of Lord Chancellor.

30. The Accounts kept at the Bank of England in the Name of the Accountant, and called "The Bankruptcy Fund Account" and "The Chief Registrar's Account," shall be subject to such General Orders touching the Payment in, Investment, accounting for, and Payment out of the same for the Purposes mentioned in this Act, as the Lord Chancellor shall from Time to Time think fit to prescribe.

Securities may be purchased.

31. Out of the Cash lying uninvested in the Bank of England to the Credit of any Account, any Sum of Money may, by Order of the Lord Chancellor, from Time to Time be invested, in the Name of the Accountant, in such Government or Parliamentary Securities as in such Order shall be directed, and such Securities shall be carried to the Accounts respectively on account of which they were so purchased; and the Interest and Dividends of all Securities so purchased shall from Time to Time be received by the Governor and Company of the Bank of England, and be carried to the Account intituled "The Chief Registrar's Account;" and the Lord Chancellor may, at any Time when he shall judge it necessary, by Order, direct the whole or any Part of such Securities to be sold and disposed of, and the Money arising from such Sale to be paid into the Bank of England to the Credit of the Accounts to which they respectively belong.

Lord Chancellor may order Securities purchased to be sold in certain Cases.

32. If

If Securities at any Time insufficient to answer the Demands of any Bankrupt, &c., the Sum taken for the Purposes of this Act to be made good by Parliament.

32. If at any Time it shall appear that the whole of the Money laid out on Securities, and the Stocks, Funds, and Cash standing in the Name of the Accountant, shall not be sufficient to answer the Demands of any Bankrupt or his Creditors, or other Persons interested therein, the Sums taken for the Purposes and by virtue of this Act shall be considered a Debt due from the Public, and to such Extent as may be necessary shall be answered and made good by Parliament accordingly.

Incidental Expenses.

33. The Funds standing to the Account intituled "The Chief Registrar's Account" shall be subject to all such Orders as have been heretofore duly made, or as shall from Time to Time be made by the Lord Chancellor, for Payments thereout in respect of the Salaries of Clerks and other Persons employed in the various Offices of the several Courts of Bankruptcy, and for Stationery, Coals, and Candles for the Use of the same, and for Maintenance, Insurance, Rent, and Repairs of or Addition to the Buildings, and in respect of all Expenses incidental to carrying this Act into effect; and all Accounts for such Expenses shall be audited and allowed by the Commissioner of the Court in which they have been incurred before any Order for Payment shall be made.

Other Officers of the Court, and Clerks.

Offices of Official Assignee and Messenger, &c. abolished.

34. The Offices of Official Assignee and of Messenger, and of Registrar of Meetings, are hereby abolished, but the Persons now holding such Offices shall continue to perform the Duties imposed upon them by any Act hereby repealed, and be subject to all the Provisions of any such Act, in so far as such Duties arise in regard to any Bankruptcy conducted under such Act. The Registrar of each Court shall, on the *First Day of January* in each Year, transmit to the Lord Chancellor a Statement of the Number of such Bankruptcies still depending, of the Stage at which each has arrived, and of the Date of the last Proceedings therein; and the Lord Chancellor shall, when he shall think fit, declare by Order that the Duties of any such Official Assignee or Messenger, or of the Registrar of Meetings, shall cease, and that he shall thereafter be entitled to a Retiring Pension under Section Forty of this Act.

Ushers.

35. The Ushers now appointed and acting in the Court of Bankruptcy shall be continued in the Court to which they are at present attached; and the Lord Chancellor shall have Power to fill up, if he shall think fit, any Vacancy which may from Time to Time occur, and shall also have the Power of removing any Usher who shall be guilty of any Negligence, wilful or unnecessary Delay, or other Misconduct.

Present Clerks of Chief Registrar, Accountant, and Master of Court of Bankruptcy to continue, and on Vacancy Lord Chancellor to appoint.

36. The Clerks now in the Offices of the Chief Registrar, the Accountant, and the Taxing Master of the Court of Bankruptcy, shall be continued. Clerks in these Offices, and shall continue to receive such Salaries as the Lord Chancellor shall from Time to Time think fit; and the Lord Chancellor may supply any Vacancy that may from Time to Time occur, or may refuse to fill up such Vacancy, and so reduce the Number of such Clerks, and may remove any such Clerk from his Office, or may appoint any such Clerk to be Clerk in any other Office, provided the Salary shall not be less than he has heretofore received, and may appoint such additional Clerks as Occasion may require in any such Offices, and may appoint any such Clerks in the Office of the Comptroller, and at such Salaries as he may think fit.

Disqualification of Officers.

Disqualification to sit in Parliament, Exemption from Juries, &c.

37. The Commissioners, County Court Judges, the Chief and every other Registrar, the Accountant, the Taxing Master, and the Comptroller, shall be incapable of being elected or sitting in Parliament, and these Officers, and the Ushers, shall be exempt and disqualified from serving any Parochial Office, and from being returned and from serving on any Jury or Inquest, and shall not be inserted in any List of Men qualified or liable to serve as Jurors.

Salaries and Compensations.

Salaries of Officers of Court of Bankruptcy.

38. There shall be paid to the Commissioners, Registrars, and other Officers of the Court the several Salaries set opposite to their respective Titles in Schedule (B.), and such Salaries shall be paid quarterly, free and clear from all Taxes and Deductions whatsoever, except the Tax on Income, on the Eleventh Day of January, the Eleventh Day of April, the Eleventh Day of July, and the Eleventh Day of October in every Year, by equal Portions; and on a new Appointment the Person appointed shall receive on the first Quarter Day the Proportion of Salary accruing from the Date of his Appointment; and when any Person for the Time being holding any of the said Offices shall die, resign, or be removed from the same, the Executor or Administrator of the Person so dying, or the Person so resigning or being removed, shall be entitled to receive such proportionate Part of his Salary as shall have accrued during the Time that such Person shall have executed his Office since the last Payment. Such Salaries, and all Compensations, Annuities, and Superannuation Allowances payable under this or any former Acts relating to Bankrupts, shall be paid out of the Funds standing to the Credit of the Chief Registrar's Account.

39. A Super-

Superannuation Allowances.

39. A Superannuation Allowance may, in the Manner and subject to the Provisions of an Act passed in the present Session, intituled "An Act to amend the Law relating to the granting of "Pensions and Superannuation Allowances to Persons holding "certain Offices connected with the Administration of Justice in "England," be granted to any Commissioner or Registrar, or to the Accountant in Bankruptcy, or the Comptroller or Taxing Master, or other Officer of the Court of Bankruptcy, upon his Retirement from his Office, and such Allowance shall be paid by Order of the Lord Chancellor: Provided that nothing herein contained shall restrict, abridge, or qualify the Right of any such Commissioner or other Person who may hold such Office at the Time of the passing of this Act to any Superannuation Allowance which under the Provision of any Act or Acts now in force such Officer might have been entitled to if this Act had not passed.

Pensions to Holders of abolished Offices.

40. The Commissioners of the Treasury may, on a Petition presented to them for that Purpose, accompanied by a Certificate by the Lord Chancellor that the Petitioner has duly discharged the Duties of his Office, award to be paid to any Person who at the Time of the passing of this Act was the Holder of an Office abolished hereby an Annuity not exceeding Two Thirds of the Salary to which such Person was entitled at the passing of this Act, but subject to such Provision, if any, contained in any Act of Parliament now in force as may have been applicable to such Person in case of the Abolition of such Office. The Time during which such Person shall have held Office in the Court for Relief of Insolvent Debtors shall be reckoned as if the same had been an Office in the Court of Bankruptcy.

Compensation to Clerks.

41. The Clerk of any Official Assignee or other Person whose Office may be abolished by this Act may make a Claim for Compensation to the Commissioners of Her Majesty's Treasury; and the said Commissioners shall, by Examination on Oath or otherwise (which Oath each of them shall be empowered to administer), inquire whether any, and if any, what Compensation ought to be made to any such Claimant, regard being had to the Conditions on which the Appointment of any such Person was made, and also to the Nature of the Appointment and the Duration of the Service, and the Commissioners shall be empowered to call for such Evidence in relation thereto as they may think necessary; and in every Case in which such Claim shall be established they or any Three of them shall be authorized and empowered to award to the Claimant, by Warrant under their Hands, such Compensation as,

and at such Times as, under the Circumstances of each Case, shall seem to them just and reasonable, by way of Annuity or otherwise.

Provision as to Annuitants accepting other public Offices.

42. If any Person to whom Compensation or an Annuity shall be granted under this Act shall be appointed to and accept any public Office or Employment, such Person, during the Time he may continue in such Office or Employment, shall be entitled to receive only so much, if any, of his Compensation or Annuity as shall, together with the Salary of such new Office, be equal to such Compensation or Annuity.

Compensations to be paid by Treasury.

43. The Compensations now payable to the following Holders of abolished Offices,—

Patentee of Bankrupts,

The former Commissioners of Bankrupt,

The Clerk of the Hanaper and other Officers of the Lord Chancellor and the Court of Chancery,

and the Retiring Annuities now respectively payable out of the Funds standing to the Credit of the Chief Registrar's Account, shall continue to be paid out of the same Funds; *but the annual Amount of the said Compensations and Retiring Annuities shall be paid into the Bank of England to the Credit of the Chief Registrar's Account, by the Commissioners of the Treasury, out of Monies to be from Year to Year voted for that Purpose by Parliament.*

Practice of the Court.

Sittings of the Court.

44. The Courts of Bankruptcy in London and the Country shall sit for the Despatch of Business daily throughout the Year, Sunday, Christmas Day, Good Friday, Monday and Tuesday in Easter Week, and Days appointed for Public Fast or Thanksgiving, excepted: Provided that during the Time appointed by Order for Vacations in the High Court of Chancery the Lord Chancellor shall have Power to regulate the Sittings of the Court, and appoint the Attendance of the Commissioners or Registrars, as may appear necessary for the due Administration of Justice.

Lord Chancellor to regulate Sittings in Vacation.

Commissioners may sit at Chambers.

45. The Commissioners may sit at Chambers for the Despatch of such Part of the Business of their Courts as can, without Detriment to the public Advantage arising from the Discussion of Questions in open Court, be heard in Chambers; and when sitting at Chambers they shall have in all respects like Power and Jurisdiction as when sitting in Court.

46. The

Registrars, their Powers and Jurisdiction.

46. The Registrars of the Court of Bankruptcy shall have Power to make Adjudication of Bankruptcy, and to sit in Chambers, and despatch there such Part of the administrative Business of the Court, and such uncontested Matters as shall be defined in General Orders, or as the Commissioner in any particular Matter shall direct. The Registrar may adjourn any Matter coming before him for the Consideration of the Commissioner. The Lord Chancellor may, by Order, from Time to Time authorize the Registrar of any County Court to exercise any of the Powers hereby given to the Registrars of the Court of Bankruptcy.

Registrars to sit in Chambers.

County Court Registrars.

Courts may direct Registrar to hold Meetings, &c.

47. The Court may direct a Registrar to attend at any Place within the District to which he is attached, for the Purpose of holding any Meeting of Creditors, of receiving Proof of Debts, and generally for the Prosecution of any Bankruptcy or other Proceeding under this Act; and the travelling and incidental Expenses of such Registrar, and of any Clerk or other Officer attending him, incurred in so acting, shall be settled by such Court, and paid out of the Assets of the Estate in respect of which such Registrar has so acted, or if there be no such Assets, or if the Assets be insufficient, then out of the Funds standing to the Chief Registrar's Account; and such Registrar so acting shall have and exercise all Powers vested in such Court for the summoning and Examination of Persons or Witnesses, and for requiring the Production of Books, Papers, and Documents: Provided always, that all Depositions and Examinations of Persons and Witnesses taken before such Registrar, and all Acts done by him, shall be reduced to Writing, and be signed by such Registrar, and shall be annexed to and form Part of the Proceedings.

Expenses of such Registrar, &c.

Powers of Registrar so acting.

Persons refusing to answer may be referred to Commissioner.

48. If any Person examined before a Registrar shall refuse or decline to answer or to swear to or sign his Examination when taken, the Registrar shall refer the Matter to the Commissioner, who shall have Power to order the Person so acting to pay the Costs thereby occasioned, if such Person be compelled by Law to answer such Question or to sign such Examination.

Parties may take Opinion of the Commissioner.

Certificates of Registrars at Chambers to be binding.

49. Any Party shall, during the Proceedings before a Registrar, acting under the Direction of a Commissioner, be at liberty to take the Opinion of the Commissioner upon any Point or Matter arising in the Course of such Proceedings, or upon the Result of such Proceedings, which shall be stated by the Registrar in the Shape of a short Certificate to the Commissioner, who shall sign the same, if he approve thereof; and such Certificate, so signed, shall be binding on all the Parties to the Proceeding; but every such Certificate may be discharged or varied by the Commissioner, at Chambers or in open Court.

 50. In

Special Case.

50. In any Bankruptcy or any other Proceeding within the Jurisdiction of the Court the Parties concerned or submitting to such Jurisdiction may, at any Stage of the Proceedings, by Consent, state any Question or Questions in a Special Case for the Opinion of the Court, and the Judgment of the Court shall be final, unless it be agreed and stated in such Special Case that either Party may appeal.

Payment of Money by Party on Judgment being given.

51. The Parties may, if they think fit, agree that, upon the Question or Questions raised by such Special Case being finally decided, a Sum of Money, fixed by the Parties, or to be ascertained by the Court, or in such Manner as the Court may direct, or any Property, or the Amount of any disputed Debt or Claim, shall be paid, delivered, or transferred by one of such Parties to the other of them, either with or without Costs.

Orders in England to be enforced in Scotland and Ireland;

and conversely.

52. Any Order made by the Court, or by any Court in England, acting under this Act, in the Course of the Prosecution of any Matter under this Act, shall be enforced in Scotland and Ireland in the Courts which would respectively have had Jurisdiction in respect of such Matter if the Residence or Place of Business of the Debtor had been situate in Scotland or Ireland, and in the same Manner in all respects as if such Order had been made by the Courts which are hereby required to enforce the same; and in like Manner Deliverances, Interlocutors, and Decrees made by any Court in Scotland for or in the Course of any Bankruptcy or Insolvency shall be enforced in England and Ireland; and Orders made by the Court in Ireland for or in the Course of any such Proceedings shall be enforced in England and Scotland by the Courts of Bankruptcy which would respectively have had Jurisdiction in any such or a similar Matter, and in the same Manner in all respects as if such or a similar Order had been made by the Court required to enforce the same in the Case of a Matter within its own Jurisdiction.

Sealing and Signature of Warrants.

Records and Proceedings to be sealed.

53. Every Warrant issued by the Court of Bankruptcy under this Act shall be under the Seal of the Court and the Hand of the Commissioner, and every Summons shall be under the Seal of the Court and under the Hand of the Registrar. The Courts shall cause to be sealed with the Seal of the Courts all such Records, Proceedings, Documents, and Copies of the same as are by this Act or shall be by General Orders required to be so sealed, and such other Records, Proceedings, Documents, and Copies of the same as the Courts shall at any Time direct.

54. Every

54. Every Solicitor of the High Court of Chancery may practise as a Solicitor in the Court of Bankruptcy, and as to all Matters before the Commissioners or Registrars, or in Chambers, may appear and be heard without being required to employ Counsel; and in case any Person not being such Solicitor shall practise in the Court as a Solicitor he shall be deemed guilty of a Contempt of Court, and be liable to all the Penalties incident thereto.

Solicitors of the Court of Chancery may practise in Bankruptcy, and appear and plead without Counsel.

55. Any Court acting under this Act may in all Matters before it award such Costs as shall seem fit and just; and all Costs so awarded shall be recoverable in the same Manner as Costs awarded by a Rule of any of the Superior Courts at Westminster may be recovered, and the like Remedies may be had, upon an Order of such Court, for Costs, as upon a Rule of any of the said Superior Courts for Costs; but no such Order shall affect any Lands as to Purchasers, Mortgagees, or Creditors, except in the Manner and subject to the Conditions provided with regard to Judgments in the Acts of the Session of Parliament of the Twenty-third and Twenty-fourth Years of the Reign of Her Majesty, Chapter Thirty-eight, and of the Twenty-seventh and Twenty-eighth Years of the Reign of Her Majesty, Chapter One hundred and twelve, any Notice of any such Order to any such Purchaser, Mortgagee, or Creditor in anywise notwithstanding.

Power to award Costs.

Remedies for recovering Costs.

Order for Costs must be registered, &c. under 23 & 24 Vict. c. 38. and 27 & 28 Vict. c. 112.

Evidence.

56. The several Courts exercising Jurisdiction under this Act may, in all Matters within their respective Jurisdictions, take the whole or any Part of the Evidence either vivâ voce on Oath, or by Interrogatories in Writing, or upon Affidavit, or by Commission abroad.

Evidence, how to be taken.

57. The Courts of Bankruptcy may, in any Proceeding within their Jurisdiction, direct the Employment of a Shorthand Writer to take down Evidence of Parties examined; and General Orders shall direct under what Regulations such Shorthand Writer shall be employed, and the Amount of the Remuneration to be allowed him, and the Parties by whom such Remuneration shall be paid; and every Shorthand Writer so employed by the Court shall in every Case make in Court the following Declaration:

Appointment of Shorthand Writers.

Declaration to be made by Shorthand Writer

'I A.B. do solemnly and sincerely declare, That I will faithfully 'and truly take down the Questions and Answers put to and 'given by Persons to be examined in this Matter, and will deliver 'true and faithful Transcripts thereof, as the Court shall direct.'

Affidavits, Declarations, &c. before whom to be sworn.

58. Any Affidavit required to be sworn in relation to any Matter under this Act may be lawfully sworn—

1. In England, Scotland, and Ireland, before any Court acting in Matters of Bankruptcy, or before any Registrar or Taxing Master thereof, or before any Commissioner for administering Oaths in Chancery or any of the Superior Courts of Common Law at Westminster, or before any Officer of the High Court of Chancery, duly authorized to administer Oaths in such Court, or before a Justice of the Peace of the County, City, Town, or Place where any such Affidavit shall be sworn:
2. In any Colony, Island, Plantation, or Place under the Dominion of Her Majesty, before any Court, Judge, or Person lawfully authorized to take and receive Affidavits, Affirmations, or Declarations:
3. In any Foreign Parts out of Her Majesty's Dominions, before a Judge or Magistrate, provided that his official Character and Signature shall be authenticated by the Official Seal of the Court to which he is attached, or by a Public Notary, or before a British Minister, Consul or Vice-Consul:

Judicial Notice of Seal or Signature thereto.

And every such Court, Judge, Officer, or other Person is hereby authorized and required to administer the Oath upon any such Affidavit, or to take such Affirmation; and all Courts and Persons acting judicially shall take judicial Notice of the Seal or Signature (as the Case may be) of any such Court, Judge, Officer, or other Person, attached, appended, or subscribed to any such Affidavit, or to any other Document to be used for the Purposes of this Act, or of other Acts in relation hereto.

The Courts of Bankruptcy in England to be auxiliary for the Purpose of taking Affidavits to be used elsewhere.

59. The Court of Bankruptcy in England is in like Manner authorized and required to administer Oaths upon any Affidavit to be used in any Matter of Bankruptcy or Insolvency under Prosecution or hereafter to be prosecuted in any Court in Scotland, Ireland, or in any of Her Majesty's Dominions, Colonies, or Dependencies; and all such Courts shall take judicial Notice of any Affidavit so sworn.

As to Fees on taking Oaths, or making Declarations in Bankruptcy.

60. No Fee shall be payable on the swearing of any Oath taken in the Court of Bankruptcy, in any Matter of Bankruptcy, Arrangement, or Insolvency within the United Kingdom, or in any of Her Majesty's Dominions, Colonies, or Dependencies, and no Fee or Reward whatever shall be taken or received by any Court or Magistrate for or in respect of the taking of such Oath other than such Fee or Reward as General Orders shall allow.

61 Any

Affidavits by Prisoners.

61. Any Affidavit of any Prisoner in any of Her Majesty's Prisons or Gaols in England, to be used in any Matter under this Act, may be sworn before the Visiting or other Justices, or if within Twelve Hours none shall attend then before the Gaoler of such Prison or Gaol, and every such Justice or Gaoler is hereby required and authorized to administer the Oath upon any such Affidavit without Fee or Reward.

Provisions of 17 & 18 Vict. c. 34. as to Attendance of Witnesses out of Jurisdiction extended to Court of Bankruptcy.

62. The Provisions of an Act passed in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, Chapter Thirty-four, with respect to compelling the Attendance of Witnesses out of the Jurisdiction, shall extend to and the Powers thereof shall be exercised by the Court of Bankruptcy.

Courts in Scotland to be auxiliary to the Court in England in the Examination of Witnesses, &c.

Proceedings for that Purpose.

63. The Court may direct the Examination in Scotland of any Person for the Time being in Scotland, being a Person believed to be capable of giving Information in any Matter in regard to the Acts, Estate, or Dealings of any Bankrupt or Petitioner within the Provisions of this Act, and the Order for such Examination may be directed in Scotland to the Sheriff of the County in which the Person to be examined is residing or happens to be for the Time; and such Sheriff may, in like Manner as in Examinations in any Matter in Bankruptcy before such Sheriff, summon such Person to appear before him, at a Time and Place to be specified in the Summons, for Examination upon Oath, as Witness or Haver, and to produce any Books, Papers, Deeds, or Documents called for which may be in his Possession or Power; and the Sheriff may take such Examination either orally or upon written Interrogatories, and shall transmit with such Report either the original Books, Papers, Deeds, or Documents produced, or otherwise such Copies thereof or Extracts therefrom, authenticated by the Sheriff, as he shall think fit or deem necessary; and in case any Person so summoned shall fail to appear at the Time and Place specified, or appearing shall refuse to be examined or to make the Production required, the Sheriff shall grant Warrant against such Person, as against a Witness or Haver duly cited, and failing to appear or refusing to give Evidence, or make Production in the Sheriff Court; and the Sheriff shall be entitled to such Fees, and the Witness to such Allowances, as are allowed to Commissioners under Appointment from the Court of Session, and as Witnesses and Havers are entitled to in the like Cases according to the Law and Practice of Scotland. If any Objection be stated to the Sheriff by the Witness, either on the Ground of his Incompetency as a Witness, or as to the Production required to be made, or on any other Ground whatever, the Sheriff may dispose of such Objection, or, if he think fit, report such

Objection to the Court, and suspend the Examination of such Witness until such Objection has been disposed of by the Court.

Courts in Ireland to be auxiliary in like Manner.

64. The Court may, in like Manner, direct any such Examination, in Ireland, of any Person for the Time being in Ireland, being a Person believed to be capable of giving such Information in any such Matter under this Act; and such Examination in Ireland may be directed to the Court of Bankruptcy in Ireland, which, for the Purpose of such Examination, and for the Production of Books, Papers, Deeds, or Documents, shall have the like Powers and Authorities in all respects as relates to Matters within this Act as are in the next preceding Section given to Sheriffs in Scotland, or as might be exercised by such Court in the Case of a similar Matter within its own Jurisdiction.

Courts in England to be in like Manner auxiliary to Courts in Scotland, Ireland, and elsewhere.

65. The Courts in London and in the Country shall in like Manner be auxiliary, for all Purposes of Proof of Debt, and for the Examination of Persons and Witnesses upon Oath, or for other like Purposes, to the Courts acting in Matters of Bankruptcy or Insolvency in Scotland and in Ireland, and also to any Court acting in such Matters in any Colony, Island, Plantation, or Place under the Dominion of Her Majesty, or to any British Judge elsewhere so acting.

Petitions and other Proceedings in Bankruptcy, and Copies, purporting to be sealed with the Seal of the Court, admissible in Evidence.

66. Any Petition for Adjudication, or Arrangement, Adjudication of Bankruptcy, Assignment, Appointment of Trustees, Certificate, Deposition, or other Proceeding or Order in Bankruptcy, or Insolvency under any of the Provisions of this Act, appearing to be sealed with the Seal of any Court under this Act or any previous Act relating to Bankruptcy or Insolvency, or any Writing purporting to be a Copy of any such Document, and purporting to be so sealed, shall at all Times, and on behalf of all Persons, and whether for the Purposes of this Act or otherwise, be admitted in all Courts whatever as Evidence of such Documents respectively, and of such Proceedings and Orders having respectively taken place or been made, and be deemed respectively Records of the Court under the Seal of which they purport to be, without any further Proof thereof; and no such Copy shall be receivable in Evidence unless the same appear to be so sealed, except where no Seal has been provided for such Courts, in which Case a Copy purporting to be signed by the Person duly authorized to enter or have Custody of the same shall be Evidence of the same, to the same Effect as if duly sealed. A Copy of a Declaration of Insolvency under this Act, purporting to be certified by the Chief Registrar or by the Registrar of a County

County Court, shall be received as Evidence of such Declaration having been filed.

Judicial Notice to be taken of Signature of Commissioner or Registrar and Seal of Court.

67. All Courts, Judges, Justices, and Persons judicially acting, and other Officers, shall take judicial Notice of the Signature of any Commissioner or Registrar of the Courts, and of the Seal of the Courts, subscribed or attached to any judicial or official Proceeding or Document to be made or signed under the Provisions of this Act.

Evidence as to Insolvency, &c. abroad.

68. A Copy of any Petition, Order, or other Proceeding in any Court having Jurisdiction for the Relief of Insolvent Debtors, or in Bankruptcy, in any of Her Majesty's Dominions, Colonies, or Dependencies, purporting to be signed by the Officer in whose Custody the same shall be or his Deputy, certifying the same to be a true Copy of such Petition, Order, or Proceedings, shall in all Courts and Cases be admitted as sufficient Evidence of the same, and of such Proceedings respectively having taken place, without other Proof.

Advertisements, when Evidence.

69. A Copy of the Gazette or of any Newspaper containing any such Advertisement as is by this Act directed or authorized to be made therein respectively shall be Evidence of any Matter therein contained, and of which Notice is by this Act directed or authorized to be given by such Advertisement.

On Death of Witness, Office Deposition or Copy thereof to be Evidence.

70. In the event of the Death of any Witness deposing to the Petitioning Creditor's Debt, Trading, or Act of Bankruptcy, under any Bankruptcy heretofore or hereafter, or under any Petition for Arrangement, the Deposition of any such deceased Witness, purporting to be sealed with the Seal of the Court, or a Copy thereof purporting to be so sealed, shall in all Courts and Cases be received as Evidence of the Matters therein respectively contained.

Practice in Appeals.

Orders of Court subject to Appeal, except as herein provided.

71. All Orders of the Court of Bankruptcy, and of the Judge of any County Court acting under this Act, shall, except as may be by this Act otherwise specially provided, be subject to an Appeal to the Court of Appeal in Bankruptcy: Provided always, that if no such Appeal be entered within Twenty-one Days from the Date of any Decision or Order of the Court, and be thereafter duly prosecuted, every such Decision or Order shall be final; and that every Appeal shall be subject to such Regulation in regard to Deposit of Costs as shall by any General Rule or Order to be made in pursuance of this Act be directed.

 72. Appeals

Appeals, &c. to be entered in Office of Chief Registrar, &c.

72. Appeals to the Court of Appeal, and all Affidavits and Documents to be used on the Hearing of any such Appeal, shall be entered in the Office of the Chief Registrar; and the Court of Appeal sitting in Bankruptcy shall on the Hearing of such Appeals be attended by such One of the Registrars of the Court of Bankruptcy as the Lord Chancellor may direct.

Proceedings not to be stayed by Appeal.

73. Proceedings in Bankruptcy shall not be stayed by the filing of any Appeal, unless on special Cause shown the Court from which the Appeal is taken shall order them to be stayed. The Court of Appeal shall in all Cases have Power, either on Motion before the Hearing or when deciding any Appeal, to order any such Proceedings to be taken as may, in the Circumstances at the Time, appear to it proper for the due and convenient Prosecution of the Bankruptcy, although the Time fixed for any such Proceeding may have expired.

General Orders.

Purposes for which General Orders are to be framed.

74. The Lord Chancellor shall, with the Assistance of Two Commissioners, and subject to the Provisions of this Act, frame General Orders for the following Purposes:

For regulating the Practice and Procedure of the Courts of Bankruptcy, and the several Forms of Petitions, Orders, and other Proceedings to be used in the said Courts, in all Matters under this Act;

For regulating the Duties of the various Officers of such Courts;

For regulating the Fees payable and the Charges and Costs to be allowed with respect to all Proceedings before such Courts, and before the County Courts acting in Bankruptcy;

For regulating the Practice and Procedure upon Appeals;

For regulating the Filing, Custody, and Inspection of Records;

And, generally, for carrying the Provisions of this Act into effect.

General Orders in County Courts.

75. For regulating the Practice and Procedure of the County Courts and the Place and Times of sitting thereof in Matters under this Act, General Orders shall be framed in conformity with the Provisions of this Act, and subject to the Sanction of the Lord Chancellor, by such Judges of the said Courts as the Lord Chancellor shall from Time to Time nominate for that Purpose.

Alteration of General Orders.

All General Orders to be laid before Parliament.

76. Such General Orders may be at any Time rescinded or varied, and other General Orders may be framed in manner aforesaid; and all General Orders so framed from Time to Time shall be laid before both Houses of Parliament within *One Month* after the framing

framing or Approval thereof by the Lord Chancellor, if Parliament be then sitting, or if Parliament be not then sitting, within *One Month* from the Commencement of the then next Session of Parliament.

Fees and Stamps.

General Orders to direct what Fees to be paid. Fees to be received in Stamps.

77. General Orders may from Time to Time direct what Fees, other than those herein directed, shall be paid in respect of any Matters of Bankrupty or Proceedings under this Act, and may vary or abolish the Fees by this Act made payable, but so that the Fees imposed shall not be of an Amount higher than that by this Act prescribed; provided that all Fees shall be received and taken by means of Stamps having the Word "Bankruptcy" impressed or affixed thereon, in manner herein-after provided.

Certain Documents to be on stamped Vellum, &c. in lieu of Fees.

78. Every Document enumerated in Schedule (C.) shall, in lieu of all Fees thereupon, be printed or written upon Vellum, Parchment, or Paper bearing the Stamp Duty, or having affixed to it an adhesive Stamp of the Amount set opposite to such Documents respectively in such Schedule, and having the Word "Bankruptcy" on every such Stamp. When any such Document shall consist of more than One Sheet, only the First Sheet thereof shall have such Stamp impressed or affixed thereon.

Documents not to be received without a Stamp. Proviso where so received through Mistake.

79. No Document which by this Act or by any General Order is or shall be required to be stamped shall be received or filed or be used in relation to any Proceeding in the Court, or be of any Validity for any Purpose whatever, unless or until the same shall have the proper Stamp impressed or affixed thereon: Provided that if at any Time it shall appear that any Document which ought to have had such Stamp has, through Mistake or Inadvertence, been received or filed or used without having such Stamp, the Court may order that such Stamp shall be impressed or affixed thereon; and when a Stamp shall have been so impressed or affixed on such Document, such Document, and every Proceeding in reference thereto, shall be as valid and effectual as if such Stamp had been impressed or affixed thereon in the first instance: Provided also, that nothing herein contained shall affect the Provisions contained in the Twenty-seventh Section of the Act of the Session of Parliament of the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, Chapter Eighty-three, or the Provisions of "The Common Law Procedure Act, 1854."

Commissioners of Inland Revenue to

80. The Commissioners of Inland Revenue shall give the necessary Directions for carrying into effect the Provisions of this

give the necessary Directions, to keep separate Accounts, &c., and to pay over Monies received to Bank of England.

Act with respect to Stamp Duties in lieu of Fees, and shall cause separate and distinct Accounts to be kept of all Sums of Money collected or received by them under the Provisions of this Act, and of all Costs, Charges, and Expenses incurred by them or by their Order in carrying the same into effect; and after Deduction of all such Costs, Charges, and Expenses, they shall from Time to Time, and in such Manner as may by any General Rule or Order to be made in pursuance of this Act be directed, pay over the Monies so to be collected and received into the Bank of England, to the Credit of the Accountant in Bankruptcy, to the Account intituled "The Chief Registrar's Account."

Commissioners of Inland Revenue may appoint Persons for Sale and Distribution of Stamps, and make Allowance for spoiled Stamps.

81. The Commissioners of Inland Revenue may appoint such Persons as they may think fit for the Sale of Stamps under this Act, and allow to them such Discount or Poundage upon such Sale as may by any General Rule or Order to be made in pursuance of this Act be directed or authorized, and it shall be lawful by any such General Rule or Order to make Regulation for the Allowance of such Stamps issued under the Provisions of this Act as may have been spoiled or rendered useless, or unfit for the Purpose intended, or for which the Owner may have no immediate Use, or which through Mistake or Inadvertence may have been improperly or unnecessarily used, and such Allowance shall be made either by giving other Stamps in lieu of the Stamps so allowed, or by repaying the Amount or Value to the Owner or Holder thereof, after deducting the Discount or Poundage allowed on the Sale of Stamps of the like Kind.

Provisions of Acts relating to Stamps to be applied to the Stamps to be provided under this Act.

82. The Provisions contained in the several Acts for the Time being in force relating to Stamps under the Care or Management of the Commissioners of Inland Revenue shall (so far as the same are applicable, and consistent with the Provisions of this Act), in all Cases not hereby expressly provided for, be of full Force and Effect with respect to the Stamps to be provided by virtue of this Act, and to the Vellum, Parchment, or Paper on which the same shall be impressed, and shall be applied and put in execution for collecting and securing the Sums of Money denoted thereby, and for preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relating thereto, as fully and effectually to all Intents and Purposes as if such Provisions had been herein repeated and specially enacted with reference to the last-mentioned Stamps and Sums of Money respectively.

Deeds and other Instruments relating

83. No Deed, Conveyance, Assignment, Surrender, Admission, or other Assurance of or to or relating solely to any Freehold, Leasehold,

Leasehold, Copyhold, or Customary Messuages, Lands, or Tenements, or to any Mortgage, Charge, or other Incumbrance upon, or any Estate, Right, or Interest of and in, any Messuages, Lands, Tenements, or Personal Estate, being the Estate of or belonging to any Bankrupt, or Part or Parcel thereof, and which after the Execution of such Deed, Conveyance, Assignment, Surrender, or Assurance respectively shall, either at Law or in Equity, be or remain the Estate and Property of such Bankrupt, or of the Assignee or Trustee appointed or chosen under any Bankruptcy, and no Power of Attorney, Proxy, Writ, Order, Certificate, Affidavit, Bond, or other Instrument or Writing whatsoever relating solely to the Estate or Effects of any Bankrupt, or to any Part thereof, or to any Proceeding under any Bankruptcy, shall be liable to any Stamp Duty, or to any other Duty whatsoever, save and except such Stamp Duty as is mentioned in Schedule (C.)

to Bankruptcy not liable to Stamp Duty.

84. If any Judge, Commissioner, Registrar, Accountant, Master, Comptroller, or any other Officer of the Courts of Bankruptcy, or of any County Court acting in Matters under this Act, or any Clerk of any Officer acting under this Act, shall, for anything done or pretended to be done under this Act, or under colour of doing anything thereunder, fraudulently and wilfully demand or take, or appoint or allow any Person whatsoever to take, for him or on his Account, or for or on account of any Person by him named, or in trust for him or for any other Person by him named, any Fee, Emolument, Gratuity, Sum of Money, or any Thing of Value whatsoever, other than is allowed by this Act, such Person, when convicted thereof, shall forfeit and pay the Sum of *Five hundred Pounds*, and is hereby rendered incapable of holding any Office or Place under Her Majesty.

Officers, &c. taking Fees improperly.

85. If any such Judge, Commissioner, Officer, or Person shall fraudulently do, commit, or connive at any fraudulent Act or Practice in relation to any Stamp used or required to be used in any Matter under this Act, or to any Fee or Sum of Money collected or which ought to be collected by means of any such Stamp or otherwise, or shall be guilty of any fraudulent Act, Neglect, or Omission, whereby any Fee which ought to be collected by means of such Stamp or otherwise shall be lost or the Payment thereof evaded, such Judge, Commissioner, Officer, or Person so offending shall be liable to be dismissed from his Office or Employment.

Officers of the Court may be dismissed for Fraud or wilful Neglect in relation to Stamps.

Abolition of Imprisonment for Debt.

86. No Person shall hereafter be taken or charged in Execution upon any Judgment obtained in any of Her Majesty's Superior

Arrest upon Final Process in an Action

for Debt or Decree in Equity abolished.

Courts, or in any County Court or other Inferior Court, in any Action for the Recovery of any Debt or Damages; nor shall any Person be attached or imprisoned on any Decree or Order of any Court of Equity or in Lunacy, made to enforce the Payment of Money: Provided that nothing herein contained shall be held to affect the Provisions contained in the Acts passed in the Seventh and Eighth, Eighth and Ninth, and Ninth and Tenth Years of the Reign of Her present Majesty, numbered respectively Chapters Ninety, One hundred and twenty-seven, and Ninety-five, with regard to the Arrest or Imprisonment of Persons under or in virtue of an express Order of a Judge, made in an Action for Recovery of a Debt wherein such Arrest or Imprisonment under or in virtue of such Order is by such Acts authorized.

Discretion of County Court Judge under 8 & 9 Vict. c. 127. and 9 & 10 Vict. c. 95.

87. Every Judge in acting under the Two last-mentioned Statutes, and in deciding whether the Party summoned before him has then or has had since the Judgment obtained against him sufficient Means and Ability to pay the Debt or Damages, or Costs so recovered against him, either altogether or by any Instalment or Instalments as ordered, shall take into consideration all the Debts and Liabilities of the Party so summoned, and his Conduct in disposing of his Money or Property since the Judgment was given.

Persons in Execution at the Time of passing this Act shall be discharged on Application to a Judge.

88. Any Person in Execution or imprisoned at or after the Time of this Act coming into operation solely upon or in virtue of any Judgment, Decree, or Order upon which such Person could not after such Date be taken or charged in Execution, or attached or imprisoned, may make Application to a Judge of One of Her Majesty's Superior Courts of Law at Westminster, or to the Court in which such Judgment shall have been obtained, or such Decree or Order shall have been made, to be discharged out of Custody, and on such Application, and on the Facts entitling such Person to apply under this Act for such Discharge being proved to the Satisfaction of such Judge or Court, such Person shall be forthwith discharged out of Custody without Payment of any Fees by an Order of such Judge or Court: Provided that if it shall happen that any such Discharge shall have been unduly or fraudulently obtained upon any false Allegation or Circumstances, which, if true, might have entitled the Prisoner to be discharged by virtue of this Act, such Prisoner shall, upon the same being made to appear to the Satisfaction of the Judge or Court by whose Order such Prisoner shall have been so discharged, be liable to be again taken

Proviso for Discharge fraudulently obtained.

taken in Execution and remanded to his former Custody by an Order of such Judge or Court: Provided also, that no Sheriff, Gaoler, or other Person whatsoever shall be liable as for the Escape of any such Prisoner in respect of his Enlargement during such Time as he shall have been at large by means of such his undue Discharge as aforesaid: Provided also, that notwithstanding the Discharge of any Debtor by an Order of any such Judge or Court in manner aforesaid, the Judgment, Decree, or Order whereupon any such Debtor was taken or charged in Execution, or attached or imprisoned, shall nevertheless remain in full Force to the Intent that the Creditor thereunder may have and take Remedy and Execution upon every such Judgment, Decree, or Order against the Property and Effects of any such Debtor in such Manner and Form as such Creditor otherwise could or might have done in case such Debtor had never been taken or charged in Execution or attached or imprisoned upon such Judgment, Decree, or Order.

Sheriffs, &c. not liable as for Escape.

Judgment, &c. to remain in force notwithstanding the Discharge of the Debtor.

89. The Provisions contained in the Act passed in the Seventh and Eighth Years of the Reign of Her present Majesty, Chapter Ninety-six, Sections Seventy and Seventy-one, shall be applicable to Persons whose Emoluments may be diminished by the Operation of this Act, in so far as the same relates to Imprisonment for Debt.

Compensation to Persons who may lose Emoluments.

Acts of Bankruptcy.

1. Of any Person.

90. If any Person shall, with Intent to defeat or delay his Creditors, depart this Realm, or being out of this Realm shall with such Intent remain abroad, or shall with such Intent make any fraudulent Conveyance, Gift, Delivery, or Transfer of his Real or Personal Estate, or any Part thereof respectively, such Person shall be deemed to have thereby committed an Act of Bankruptcy.

Person going, or remaining abroad, or making fraudulent Conveyance, with Intent to defeat or delay his Creditors.

91. If any Debtor, having been arrested or committed to Prison for Debt or Nonpayment of Money, in virtue of any Judge's Order which under this Act is still valid for such Purpose, shall, upon such or any other such Arrest or Commitment or Detention for Debt or Nonpayment of Money, lie in Prison, being a Trader, for Fourteen Days, or, not being a Trader, for Two Calendar Months, every such Debtor shall be deemed thereby to have committed an Act of Bankruptcy; or if any such Debtor, having been arrested or committed for Debt, or for Nonpayment of Money, shall escape out of Prison

Debtor lying in Prison, or escaping out of Prison.

or Custody, every such Debtor shall be deemed to have thereby committed an Act of Bankruptcy from the Time of such Arrest or Commitment.

Debtor filing a Declaration that he is unable to meet his Engagements.

92. If any Debtor shall file in the Office of the Chief Registrar, or with the Registrar of a District Court of Bankruptcy, or of a County Court having Jurisdiction in Bankruptcy, a Declaration in Writing in the Form contained in Schedule (D.), signed by such Debtor, and attested by a Registrar of the Court, or by an Attorney or Solicitor, that he is unable to meet his Engagements, every such Debtor shall be deemed to have thereby committed an Act of Bankruptcy at the Time of filing such Declaration, provided a Petition for Adjudication of Bankruptcy shall be filed against him within Two Months from the filing of such Declaration.

Petition by or against Debtors followed by Adjudication, in the Foreign Dominions of the Crown.

93. The filing of a Petition by or against a Debtor, whether a Trader or not, in any Court having Jurisdiction for the Relief of Insolvent Debtors in Insolvency or Bankruptcy in any of Her Majesty's Dominions, Colonies, or Dependencies, and the Adjudication of Insolvency or Bankruptcy on such Petition, shall, for the Purposes of this Act, be conclusive Evidence of an Act of Bankruptcy committed by such Debtor at the Time of filing such Petition, provided such Adjudication be not recalled or annulled.

2. Of Traders only.

Departing the Dwelling, absenting, beginning to keep House, fraudulent Execution.

94. If any Trader shall depart from his Dwelling House or otherwise absent himself, or begin to keep his House, or suffer himself to be outlawed, or procure his Goods, Money, or Chattels to be attached, sequestered, or taken in Execution, every such Trader doing, suffering, or procuring any of the Acts, Deeds, or Matters aforesaid, with Intent to defeat or delay his Creditors, shall be deemed to have thereby committed an Act of Bankruptcy.

Compounding with Petitioning Creditor.

95. If any Trader, after the filing of any Petition for Adjudication of Bankruptcy against him, shall pay Money to the Petitioning Creditor, or give or deliver to such Petitioning Creditor any Satisfaction or Security for his Debt or for any Part thereof, whereby such Petitioning Creditor may receive more in the Pound in respect of his Debt than the other Creditors, such Payment, Gift, Delivery, Satisfaction, or Security shall be an Act of Bankruptcy.

Suffering Execution to be levied.

96. If any Execution shall be levied by Seizure and Sale of any of the Goods and Chattels of any Trader Debtor, upon any Judgment recovered in any Action Personal for the Recovery of any Debt

Debt or Money Demand, every such Debtor shall be deemed to have committed an Act of Bankruptcy from the Date of the Seizure of such Goods and Chattels.

3. On Trader Debtor Summons.

On Creditor making Affidavit of his Debt, and of his having given Notice requiring immediate Payment, &c., Court may summon the Trader.

97. If any Creditor of a Trader file an Affidavit in the Court in the District in which such Trader resides, in the Form specified in Schedule (E.), of the Truth of his Debt, and of the Debtor, as he verily believes, being such Trader, and of the Delivery to such Trader personally, or to some adult Inmate at his usual or last known Place of Abode or Business, of an Account in Writing of the Particulars of his Demand, with a Notice thereunder requiring immediate Payment thereof, in the Form specified in Schedule (F.), it shall be lawful for the Court in which such Affidavit is filed to issue a Summons in Writing in the Form contained in Schedule (F.), to be called a Trader Debtor Summons, calling upon such Trader to appear before such Court, and stating in such Summons the Purpose for which such Trader is called upon to appear, as hereinafter provided. If the Debt appear by such Affidavit to be due from Two or more Persons carrying on Trade in Partnership, the Delivery of such Account and Notice to any One of the Partners personally, or to some adult Inmate at his usual or last known Place of Abode or Business, and also at the Place of Business of the Firm, as aforesaid, shall be sufficient to authorize the Court to issue such Summons against any other of such Partners, as well as against the Partner served personally with such Account and Notice.

Notice, &c. in Cases of Partnership.

Manner of proceeding upon the Appearance of the Trader.

98. Upon the Appearance of the Trader so summoned it shall be lawful for the Court to require him to state whether or not he admits the Demand of the Creditor, or any and what Part thereof, and if he shall admit such Demand or any Part thereof, to reduce such Admission into Writing in the Form contained in Schedule (H.), which the Trader shall sign, and the same shall thereupon be filed in Court; and it shall also be lawful for the Court to allow the Trader upon his said Appearance to make a Deposition upon Oath, in Writing under his Hand, to be filed in Court, in the Form contained in Schedule (I.), that he verily believes he has a good Defence upon the Merits to such Demand, or to some and what Part thereof; and in such Case it shall be lawful for the Court at the same Time to require such Trader to enter into a Bond, according to the Form contained in the Schedule (K.), in such Sum and with such Two sufficient Sureties as the Court shall approve of, to pay such Sum or Sums as shall

be recovered, together with such Costs as shall be given in any Action which shall have been or shall be brought for the Recovery of such Demand, or of any Part thereof in respect of which such Deposition is made.

Admission of Debt signed elsewhere than in Court, if attested by Trader's Attorney, to have the same Force as an Admission signed in Court.

99. Any Admission of any Debt made after such Summons and signed by any such Trader elsewhere than before the Court, may be filed in Court, and shall be of the same Force and Effect to all Intents and Purposes as an Admission signed by such Trader on his Appearance in Court, provided such Admission be made in the Form contained in Schedule (L.), and there be present some Attorney of One of Her Majesty's Superior Courts of Law on behalf of such Trader, expressly named by him and attending at his Request, to inform him of the Effect of such Admission before the same is signed by such Trader, and provided also, that such Attorney do subscribe his Name thereto as a Witness to the due Execution thereof, and in such Attestation declare himself to be Attorney for the said Trader, and state therein that he subscribes as such Attorney.

Acts of Bankruptcy on Trader Debtor Summons.

100. If the Trader, after being served with a Trader Debtor Summons under Section Ninety-seven of this Act, shall fail to come before the Court at the Time appointed in such Summons, without lawful Impediment allowed by the Court, or, if appearing to such Summons or at any Enlargement or Adjournment thereof, he shall refuse to sign an Admission of the whole Demand, and fail to make the Deposition and, if required by the Court, to enter into the Bond referred to in Section Ninety-eight, he shall be deemed to have committed an Act of Bankruptcy on the Eighth Day after Service of the Summons; provided a Petition for Adjudication of Bankruptcy shall be filed against him within Two Months after the Date of filing the Affidavit on which the Trader Debtor Summons issued.

Acts of Bankruptcy on Admission of Debt.

101. If the Trader shall sign an Admission of the whole Debt, but shall fail to pay the Amount thereof within *Seven Days* after filing such Admission, or, if signing an Admission of Part only of such Debt, he shall fail within *Seven Days* after signing such Admission to pay the Amount admitted, or shall not within such *Seven Days*, or within such enlarged Time as may be allowed by the Court, enter into the Bond referred to in Section Ninety-eight, he shall be deemed to have committed an Act of Bankruptcy on the Eighth Day after filing the Admission; provided a Petition for Adjudication of Bankruptcy against him shall be filed within *Two Months* from the Date of filing the Affidavit on which a Trader Debtor Summons issued.

102. On

Court may award Costs to the Creditor or the Trader summoned.

102. On a Trader Debtor Summons the Creditor or Trader shall have such Costs as the Court in its Discretion shall think fit, or the Court may direct the Costs of either Party of, incident to, or attendant upon the Affidavit and Summons to abide the Event of any Action which shall have been brought or shall thereafter be brought for the Recovery of such Demand or any Part thereof, and in such Case such Costs shall be Costs in the Cause, and recovered under the Judgment and Execution in such Action.

If Creditor bring an Action, and do not recover the Amount sworn to in his Affidavit of Debt, and if the Affidavit be made for such Amount without probable Cause, the Defendant in the Action shall be entitled to Costs.

103. In every Action wherein any such Creditor is Plaintiff and any such Trader is Defendant, and wherein the Plaintiff shall not recover the full Amount of the Sum for which he shall have filed an Affidavit of Debt as aforesaid, the Defendant shall be entitled to Costs of Suit, to be taxed according to the Custom of the Court in which such Action shall have been brought, provided that it shall be made appear to the Satisfaction of the Court in which such Action is brought, upon Motion to be made in Court for that Purpose, and upon Hearing the Parties by Affidavit, that the Plaintiff in such Action had not any reasonable or probable Cause for making such Affidavit of Debt in such Amount as aforesaid, and provided such Court shall thereupon, by Rule or Order, direct that such Costs shall be allowed to the Defendant; and the Plaintiff shall, upon such Rule or Order being made, be disabled from taking out any Execution for the Sum recovered in any such Action, unless the same shall exceed (and then for such Sum only as the same shall exceed) the Amount of the taxed Costs of the Defendant in such Action; and in case the Sum recovered in any such Action shall be less than the Amount of the Costs to be taxed as aforesaid of the Defendant, then the Defendant shall be entitled after deducting the Sum of Money recovered by the Plaintiff in such Action from the Amount of his Costs so to be taxed, to take out Execution for such Costs in like Manner as a Defendant may now by Law have Execution for Costs in other Cases.

Proceedings to obtain Adjudication of Bankruptcy.

1. Proceedings by Petition.

Any Creditor may petition, but no Debtor may.

104. Any Creditor, whatever the Amount of his Debt, may petition for Adjudication of Bankruptcy against a Debtor who has committed an Act of Bankruptcy within *Twelve Months* prior to the filing of such Petition, and subsequent to the Contraction of such Debt or any Part thereof, and whether an Act of Bankruptcy had been committed prior to such Contraction or not; but no Debtor shall hereafter be entitled to petition for Adjudication against himself.

 105. In

What shall be considered Debts for such Purpose.

105. In the Computation of Debts for the Purpose of any Petition under this Act, there shall be reckoned as Debts:—

1. Debts unsecured:
2. Sums due to Creditors holding Mortgages, Securities, or Liens, after deducting the Value of the Property comprised in any such Mortgage, Security, or Lien:
3. Such Interest and Costs as, after making a like Deduction in case of any Mortgage, Security, or Lien, shall be due in respect of any of the Debts:
4. Any Credit given to any Debtor upon valuable Consideration for any Sum payable at a certain Time, which Time shall not have arrived when such Debtor committed the Act of Bankruptcy in respect of which the Petition is filed, after making from such Credit a like Deduction for any Mortgage, Security, or Lien held for the same:

But no Debt barred by any Statute of Limitations, or which has been proved or proveable against the Debtor under any prior Bankruptcy or Insolvency in any Part of Her Majesty's Dominions, shall be deemed a Debt for the Purpose of this Section.

Form of Petition and Affidavit.

106. Petitions for Adjudication of Bankruptcy shall be in the Form specified in Schedule (M.), and the Truth thereof verified by the Affidavit of the Petitioner in the Form specified in Schedule (N.)

Court in which to be filed.

107. Every such Petition shall be filed of Record, and the Petition shall be filed and prosecuted, when the Debt therein stated is *Fifty Pounds* or upwards, in the Court of Bankruptcy, and when under *Fifty Pounds* in the County Court, within the District of which respectively the Debtor has resided or carried on Business during the *Six Months* next preceding the filing of the Petition, or for the longest Period during such *Six Months;* but when such Place of Residence or of carrying on Business is situated within the Districts of the Metropolitan County Courts, the Petition shall in all Cases be filed in the Court of Bankruptcy.

Power to consolidate, impound, and transfer Proceedings upon Petitions.

108. Any Court, or the Court of Appeal, on Appeal, may consolidate the Proceedings or any Part thereof under Two or more Petitions for Adjudication of Bankruptcy, or may impound any Petition for Adjudication of Bankruptcy, and the Proceedings thereunder, or any Part thereof, upon such Terms as the Court shall think fit.

109. Before

Before Adjudication against a Debtor under Section 90. the Petition to be served.

109. Before Adjudication of Bankruptcy shall be made on a Petition against a Debtor who is not a Trader in respect of an Act of Bankruptcy defined in Section Ninety, a Copy of the Petition shall be served on him personally, having endorsed thereon a Memorandum, in a Form to be settled by General Order, specifying the Time within which the Debtor is to appear on such Petition. Such Time shall in no Case be less than Thirty Days after Service; and when the Service is to be made abroad, the Time for Appearance shall be fixed by the Court as it shall think reasonable, having regard to the Place or Country where the Service is to be made.

Court may before Adjudication summon Witnesses to prove Act of Bankruptcy.

110. The Court, before Adjudication, may summon before it any Person whom such Court shall believe capable of giving any Information concerning any Act of Bankruptcy committed by the Person against whom any Petition for Adjudication of Bankruptcy has been filed, and may require any Person so summoned to produce any Books, Papers, Deeds, and Writings, and other Documents, in his Custody, Possession, or Power, which may appear to the Court to be necessary to establish such Act of Bankruptcy; and it shall be lawful for the Court to examine any such Person upon Oath, by Word of Mouth, or Interrogatories in Writing, concerning such Trading and Act of Bankruptcy.

Court to make Adjudication, &c. upon Proofs of requisite Conditions.

111. The Court, upon a Petition for Adjudication, and upon Proof of the Petitioning Creditor's Debt, and of the Act of Bankruptcy of the Person against whom such Petition is filed, and, when Service of the Petition is required, on the Appearance of the Person against whom the Petition is filed, or, if not appearing, on Proof of such Service, or on Proof to the Satisfaction of the Court that every reasonable Effort was made to effect the same, and that such Attempt came to the Knowledge of the Debtor, and was defeated by his Conduct, and that the Time limited for Appearance has expired, shall adjudge such Person bankrupt.

Where Petitioner does not proceed Power for Court to adjudicate.

Court may proceed notwithstanding Death of Bankrupt.

112. If the Petitioning Creditor shall not proceed and obtain Adjudication within Three Days after his Petition has been filed, or after the Period limited for Appearance in any Case, or within such extended Time as shall be allowed by the Court, or if he shall withdraw his Petition, the Court may, upon the Application or Petition of any other duly qualified Creditor who has filed an Affidavit in the Form of Schedule (N.), and who shall in either Case be considered as the Petitioning Creditor under this Act, proceed to adjudicate either on the Petition first filed or on such last-mentioned Petition. If any Bankrupt shall die after Adjudication, the Court may proceed in the Bankruptcy as if such Bankrupt were living.

 113. The

Petitioning Creditor to proceed at his own Costs until Election of Trustee.

113. The Petitioning Creditor shall at his own Costs file and prosecute his Petition, until a Trustee has been elected, and the Costs shall, on being taxed by the proper taxing Officer of the Court, be repaid to him by the Trustee out of the first Monies that shall come into his Hands.

2. Proceedings by Judgment Debtor Summons.

Judgment Debtor Summons, who may sue it out, and when.

114. Every Judgment Creditor entitled to sue out against a Debtor a Writ of Fieri facias in respect of any Debt or Costs shall be entitled, on filing an Affidavit in the Form contained in Schedule (O.), to sue out against the Debtor a Summons, to be called a Judgment Debtor Summons, in the Form of Schedule (P.), requiring him to appear and be examined respecting his Ability to satisfy the Debt on a Day to be fixed in such Summons, being not less, in the Case of a Trader, than *Eleven Days*, or, in the Case of any other Person, than *One Month*, from the Date of signing of the Judgment, and every such Summons shall be served on the Debtor not less than *Four Days* before the Time fixed for his Appearance as aforesaid.

The like, in Cases of Disobedience to Decree in Equity, or Order in Bankruptcy or Lunacy.

115. When a Decree or Order of a Court of Equity, or an Order in Bankruptcy or Lunacy, directing the Payment of Money, is disobeyed by the Debtor, the same having been duly served on him, and the Person entitled to receive the Money or interested in enforcing Payment of it has obtained a peremptory Order of the competent Jurisdiction, fixing a Day for Payment, and the Debtor does not, being a Trader, within *Seven Days*, or, not being a Trader, within *Two Calendar Months*, after Service on him of the peremptory Order, or, such Order having been duly served, within *Seven Days* after the Day fixed by the peremptory Order for Payment (which shall last happen), pay the Money, the Creditor shall be entitled at the End of those *Seven Days* to sue out against the Debtor a Judgment Debtor Summons in the Form in Schedule (P.)

Court out of which such Summons shall issue.

116. The Judgment Debtor Summons shall, unless the Court shall in any Case otherwise direct, issue according to the following Rules:

When the Debtor is in England, then out of the Court of Bankruptcy for the District in which the Debtor usually lives, or at the Time of the issuing of the Summons happens to be:

When the Debtor is not in England, then out of the Court of Bankruptcy for the District in which is the Debtor's usual or last known Place of Abode in England.

Service of Summons.

117. When the Debtor is in England the Summons shall be served personally, unless the Court issuing the same shall in any Case direct that Service in some other Manner shall be good Service: When the Debtor is in Custody a Duplicate of the Summons shall be delivered to the Gaoler or other Person in whose Custody

Custody he is, who shall bring him up according to the Summons, at the Costs of the summoning Creditor: When the Debtor is not in England, the Court, upon such Evidence as shall satisfy it that the Service will be effectual to give Notice to the Debtor, may order Service to be made in such Manner and Form as it shall deem fit, and shall appoint a Time by such Order for the Appearance of the Debtor.

Where Service cannot be effected, &c., Court may order Notice in Gazette, &c.

118. If Service of the Summons be not effected, and the Court is satisfied that the Debtor is keeping out of the way either to avoid Service thereof or to avoid legal Process generally, it may order that One or more Notices be inserted in the Gazette, and in One or more Newspapers published in the District in which is the Debtor's usual or last known Place of Abode, in the Form contained in Schedule (Q.), requiring him to appear on a Day named, being not less than *Fourteen Days* after the Publication of the first Notice.

Procedure upon Appearance of Debtor.

119. Upon the Appearance of the Debtor he may be examined on Oath, by or on behalf of the Creditor and by the Court, respecting his Ability to satisfy the Debt, and for the Discovery of Property applicable in that Behalf, and shall be bound to produce, on Oath or otherwise, such Books, Papers, and Documents in his Possession or Power relating to Property applicable or alleged to be applicable to the Satisfaction of the Debt, as the Court shall think fit, and to sign his Examination when reduced into Writing.

Debtor refusing to conform may be committed.

120. The Provisions contained in Section One hundred and ninety-one of this Act relating to the Committal of a Bankrupt refusing to be sworn, or doing or omitting the other Acts or Things therein mentioned, shall apply to a Debtor appearing on a Judgment Debtor Summons.

Adjudication upon Summons and Nonpayment, or for Failure to appear.

121. If, after Service of such Summons, or due Notice thereof, as aforesaid, the Debtor shall not pay the Debt and Costs, the Court may, on the Appearance of the Debtor, or if he shall not appear, having no lawful Impediment allowed by the Court, adjudge him bankrupt, without the Presentation of a Petition for Adjudication or other Proceeding; and the Adjudication shall have relation back to the Service of the Summons, or the Publication of the first Notice in the Gazette, as the Case may be. The Stamp Duty payable upon the Presentation of a Petition for Adjudication

Stamp Duty thereupon.

judication of Bankruptcy shall be paid in respect of Adjudication under this Section by the Judgment Creditor on Adjudication being made.

3. Proceedings in respect of Adjudication abroad.

Where Debtor who has been adjudged bankrupt, &c. in India or the Colonies, resides or has Property in England, &c., Power to obtain Adjudication in England, &c., and Proceedings thereupon.

122. If any Person who shall have been duly adjudged or declared bankrupt or insolvent in India, or in any of the Foreign Dominions, Plantations, or Colonies of Her Majesty, shall be resident or shall be possessed of Property in England, Ireland, or Scotland, or in any Colony, Plantation, or Foreign Possession of the Crown, it shall be lawful for the Assignee, Trustee, or other Representative of the Creditors of such Bankrupt or Insolvent to apply for and obtain an Adjudication of Bankruptcy, Sequestration, or Insolvency against such Person in the Court of Bankruptcy in England, and in the proper Court in Scotland, Ireland, and such Colony, Plantation, or Foreign Possession of the Crown respectively, and by virtue thereof the same Order and Disposition shall be had and taken with respect to the Person and Property of the Bankrupt or Insolvent as if he had been originally adjudged bankrupt or insolvent by the Court or Tribunal so applied to. Upon such Application it shall not be necessary for the Assignee, Trustee, or other Representative of the Creditors of the Person so declared bankrupt or insolvent as aforesaid to give Proof of any Act of Bankruptcy or Petitioning Creditor's Debt, or to produce any other Evidence than a duly certified Copy of the Order or Adjudication by which such Person was found or adjudged bankrupt or insolvent.

4. Proceedings by or against Partnerships.

Petition by the public Officer of Copartnership.

123. A Petition for Adjudication of Bankruptcy or Judgment Debtor Summons against any Debtor indebted in the Amount aforesaid to any Copartnership duly authorized to sue and be sued in the Name of a public Officer or Agent of such Copartnership may be filed or sued out by such public Officer or Agent as the nominal Petitioner for and on behalf of such Copartnership; provided such public Officer or Agent shall, in a Declaration signed by him, in the Form contained in Schedule (R.), declare that he is such public Officer or Agent, and that he is authorized to sue.

Petitions may be presented against One or more Partners in a Firm; and Petitions against Two or more Per-

124. Any Creditor whose Debt entitles him to petition for Adjudication of Bankruptcy against all the Partners of any Firm may petition for such Adjudication against One or more Partners of such Firm; and in every Petition for Adjudication against Two or more Persons

Persons the Court may dismiss the same as to One or more of such Persons, and the Validity of such Petition shall not be thereby affected as to any Person as to whom such Petition is not ordered to be dismissed.

sons may be dismissed as to One or more without affecting the rest.

125. After a Petition for Adjudication of Bankruptcy filed against One or more Member or Members of a Firm, any Petition for Adjudication of Bankruptcy against any other Member or Members of such Firm shall be filed and prosecuted in the Court in which the First Petition was prosecuted; and immediately after the Adjudication under such other Petition all the Estate, Real and Personal, of such Bankrupt or Bankrupts, shall vest in the Trustees in the First Adjudication, and thereafter all separate Proceedings under such Petition or Petitions shall be stayed, and such Petition shall, without affecting the Validity of the First Petition, be annexed to and form Part of the same; provided that the Court may direct that such other Petition shall be filed and prosecuted in any other Court, or that Proceedings therein may be taken either separately or in conjunction with the First Petition; and such Direction shall be made by a Memorandum to that Effect endorsed on such Petition or Petitions and under the Hand of the Commissioner.

In Cases of a Second or other Petition against One or more Members of a Firm, the same shall be prosecuted in the Court in which the first was prosecuted, &c.

Notice and Annulling of Adjudication.

126. No Petition for Adjudication of Bankruptcy shall be dismissed, nor any Adjudication annulled, by reason only that the Petition, or Adjudication, or Act of Bankruptcy, has been concerted or agreed upon between the Bankrupt, or any Person on his Behalf, and any Creditor or other Person.

No Adjudication to be dismissed by reason only of Concert.

127. Before Notice of any Adjudication of Bankruptcy made on a Petition or Judgment Debtor Summons (save as herein-after excepted) shall be given in the Gazette, a Duplicate of such Adjudication shall be served on the Person adjudged bankrupt, personally or by leaving the same at the usual or last known Place of Abode or Place of Business of such Person, or otherwise as the Court may order; and such Person shall be allowed *Seven Days*, or such further Time, not exceeding *Fourteen* additional Days, as the Court shall think fit, from the Service of such Duplicate, to show Cause to the Court against the Validity of such Adjudication; and if such Person shall within such Time show to the Satisfaction of the Court that the Petitioning Creditor's Debt or the Act of Bankruptcy

Bankrupt to have Notice thereof before Advertisement of Adjudication, and to be allowed Seven Days, or such extended Time, not exceeding Fourteen Days, as the Court shall think fit, to show Cause against Adjudication.

ruptcy upon which such Adjudication has been grounded are insufficient to support such Adjudication, and upon such showing no other Creditor's Debt or Act of Bankruptcy sufficient to support such Adjudication shall be proved to the Satisfaction of the Court, or shall show any other Ground of Invalidity of the Adjudication, the Court shall thereupon order such Adjudication to be annulled; but if at the Expiration of the said Time no Cause shall have been shown to the Satisfaction of the Court for the annulling of such Adjudication, Notice of such Adjudication shall be forthwith given in the Gazette, and in Two Newspapers circulating in the Neighbourhood of the Bankrupt's usual or last known Place of Abode or Business, by the Petitioning Creditor, in the Form provided in Schedule (S.), and the other Proceedings directed in the Order of Adjudication, or in any subsequent Order of the Court, shall take place.

When Notice of Adjudication need not be served on Bankrupt.

128. If the Petition for Adjudication is founded on a Declaration of Insolvency by the Debtor, or if a written Consent to Adjudication by the Debtor shall be filed, or if the Debtor shall appear on a Judgment Debtor Summons on which Adjudication takes place, it shall not be necessary to serve Notice of Adjudication on the Bankrupt, and in all such Cases Notice of the Adjudication shall forthwith after it is made be given in the Gazette and in the Newspapers, as directed in the last Section.

If Bankruptcy not disputed within certain Time Gazette to be conclusive Evidence.

129. If the Bankrupt shall not, if he were within the United Kingdom at the Date of the Adjudication, within Two Months after the Advertisement of the Bankruptcy in the Gazette, or if he were in any other Part of Europe at the said Date of Adjudication, within Three Months after such Advertisement, or if he were elsewhere at such Date, within *Twelve Months* after such Advertisement, have commenced an Action, Suit, or other Proceeding to annul the Adjudication, and shall not have prosecuted the same with due Diligence and Effect, the Gazette containing such Advertisement shall be conclusive Evidence in all Cases of such Bankruptcy as against the Bankrupt and all Persons against whom he might have sustained Action or Suit.

Interim Preservation of Estate.

In case Debtor against whom a Petition has been filed be about to quit England, or to remove or conceal his Goods, with

130. When a Petition for Adjudication of Bankruptcy is filed or a Judgment Debtor Summons issued against any Person, and it shall be proved to the Satisfaction of the Court by the Petitioning or Judgment Creditor, or by any Person who has filed an Affidavit of Debt in the Form contained in Schedule (N.), that

that there is probable Cause for believing that such Debtor is about to quit England, or to remove or conceal any of his Goods or Chattels, with Intent to defraud his Creditors, unless he be forthwith apprehended, it shall be lawful for the Court to issue a Warrant, directed to such Person or Persons as the Court shall think fit, to arrest the Person against whom such Petition shall have been filed, and also to seize his Books, Papers, Monies, Securities for Monies, Goods and Chattels, wheresoever he or they may be found, and him and them safely keep until the Expiration of the Time allowed for Adjudication on such Petition or Summons, or until such Person, if he shall be adjudged bankrupt thereon, shall have been examined and dealt with according to this Act: But any Person arrested upon any such Warrant, or any Person whose Books, Papers, Monies, Securities for Monies, Goods or Chattels have been seized under any such Warrant, may apply, at any Time after such Arrest or Seizure, to the Court, for an Order or Rule on the Creditor at whose Instance such Warrant has issued to show Cause why the Person arrested should not be discharged out of Custody, or why his Books, Papers, Monies, Securities for Monies, Goods and Chattels, should not be delivered up to him; and it shall be lawful for such Court to make absolute or discharge such Order or Rule, with or without Costs.

Intent to defraud Creditors, he may be arrested, and his Goods seized.

131. It shall be lawful for the Court in which a Petition for Adjudication is filed, whether Adjudication can forthwith be made or not, or for the Court after Adjudication, but before Confirmation of a Trustee, on special Application by a Creditor who has filed an Affidavit of Debt in the Form contained in Schedule (N.), either in the Petition for Adjudication or by a separate Petition, with or without Service on other Parties interested, as the said Court may deem necessary, or without such special Application, if the Court think proper, to take immediate Measures for the Preservation of the Estate until the Election and Confirmation of a Trustee, either by the Appointment of a Receiver, who shall find such Security as may be deemed necessary, and who shall have all the Powers herein-after given to the Trustee which are necessary for such Preservation, including Power to take possession of the Bankrupt's Property and to recover Debts, or by such other Proceedings as may be requisite; and such interim Appointments or Proceedings shall be carried into immediate Effect; but any such Order shall be subject to Appeal, and may be discharged or varied by the Court of Appeal.

Court may take Measures to preserve Estate.

132. The Court, on making Adjudication or at any Time thereafter, before the Confirmation of a Trustee, shall have Power, upon

After Adjudication the Bankrupt's Papers may be sealed up.

upon Cause shown by any Creditor who has filed an Affidavit of Debt in the Form contained in Schedule (N.), or without any Application, if it shall think fit, to cause to be sealed up and put under safe Custody the Books and Papers of the Bankrupt, and to lock up his Warehouse, Shop, or other Repositories, and to provide for the Custody of the same or of the Keys thereof, and to keep the Keys thereof till a Trustee is confirmed.

Transfer of Proceedings.

Petition not to be dismissed for Error in Selection of Court.

133. No Petition shall be dismissed by reason only that the Petitioning Creditor's Debt may appear to be such that the Petition ought to have been filed in a different Court, but on such Fact appearing it shall be lawful for the Petition to be transferred by the Court in which it was filed to the Court in which it ought to have been filed.

Petition filed in County Court may be transferred to Court of Bankruptcy.

134. When the Petitioning Creditor's Debt is under Fifty Pounds, and the Petition has been filed in a County Court, the Court may, on the Application of Creditors who have filed Affidavits of Debt in the Form contained in Schedule (N.) to the Amount of Three hundred Pounds, transfer the Petition to the Court of Bankruptcy within the District of which the Petition, if on a Debt exceeding *Fifty Pounds*, should have been filed.

Petition may be transferred to more convenient District.

135. Any Court in which a Petition is filed may, on Application of any Creditor who has filed an Affidavit of Debt in the Form contained in Schedule (N.), and on being satisfied that either from the Nature of the Debtor's Transactions, or the Situation of his Property, or the Residence of his principal Creditors, or for any other sufficient Cause, the Proceedings could be more beneficially and conveniently prosecuted in another District, transfer the Petition to the Court of such District, either before Adjudication or on making Adjudication, or at any Time prior to the Publication of Notice of Adjudication in the Gazette. The Proceedings under a Judgment Debtor Summons may in like Manner at or after Adjudication be transferred to the Court of another District. The Creditors may by a Majority in Number and Value at any Meeting resolve that the Proceedings shall be transferred to and prosecuted in any other District or in any County Court, whether the Petition could have been filed in a County Court or not, and the Court in which Adjudication was made shall thereupon transfer the Proceedings to the District or the County Court so selected by the Creditors.

Procedure on Transfer.

136. When a Petition or Proceedings are transferred to another Court, the Registrar of the Court in which it was filed shall forthwith

with transmit the Petition or Summons and all Affidavits and other Proceedings to the Registrar of the Court to which the Transfer is made, and they shall be thenceforth deemed to be filed in such Court to the same Effect as if originally filed therein, and all Proceedings shall take place in such Court, and it shall have the same Powers as if the Petition had been originally filed therein; provided that all Orders already given by the Court in which it was originally filed shall remain effectual, and be deemed Orders of the Court to which it is transferred.

Appeal against Transfer.

137. On a Petition being transferred to any Court, such Court shall not have Power to transfer it to any other Court, but Appeal shall lie against any Order of Transfer, or any Refusal to make such Order, and on such Appeal the Court of Appeal shall have Power to order the Petition, or the Proceedings under the Adjudication, to be transferred to and prosecuted in any Court it shall think fit, and it shall thereupon be transferred to such Court, in the same Manner and to the same Effect as is directed in the foregoing Section.

Election of Trustee and Inspectors.

Order to appoint the First Meeting of Creditors.

138. The Court shall, in the Order of Adjudication, appoint a Meeting of the Creditors to be held at a specified Hour on a specified Day, not less than *Six* nor more than *Twelve* Days after the Expiration of the Time for showing Cause against the Adjudication, or after the Adjudication if it is absolute, at a convenient Place (not being any private Residence or private Chambers) within the District of the Court, or if by the same Order it shall transfer the Petition to another Court, then at some such Place within the District to which it is transferred, and the Time and Place so appointed for such Meeting of Creditors shall be intimated in the Notice of the Adjudication in the Gazette and Newspapers herein-before directed.

Which shall be intimated in Gazette.

Notice of Adjudication.

If Time for disputing Adjudication enlarged, new Day to be fixed.

139. If on a Debtor appearing to show Cause for annulling the Adjudication the Court shall allow an extended Time for that Purpose, but shall not ultimately annul the Adjudication, it shall, if necessary, in the Order refusing such Application, appoint another Day for holding such Meeting of Creditors, and such substituted Day shall, with the Hour and Place fixed in such Order, be intimated in the Notice of the Adjudication in the Gazette and Newspapers.

Procedure at Meeting.

140. Any Two Creditors who have filed Affidavits of Debt in the Court may, by Notice in Writing under their Hands, given *Forty-eight*

eight Hours before such Meeting to the Registrar of the District within which such Meeting is to be held, request him to attend at the same, and on such Notice the Registrar, or some Person to be deputed by him in Writing for that Purpose, shall attend at such Meeting, and shall preside, and receive the Proof of Debts tendered by Creditors present, and shall mark the Declarations, Accounts, and other Documents produced with his Initials, and retain the same till the Trustee is appointed, when he shall deliver them to the Trustee; and the Registrar or his Deputy shall, in the Presence of the Meeting, write and sign the Minutes, and enter therein the Names and Designation of the Persons attending as Creditors, and the respective Amounts for which each Person tenders a Proof, and whether it is admitted or rejected, and, if admitted, the Amount so admitted, and any other Circumstances which the said Registrar or his Deputy shall think fit. When the Registrar or a Deputy appointed by him is not present the Creditors shall, by a Majority in Number, elect a Chairman; and the Chairman shall perform the Duties in the preceding Section imposed upon the Registrar, except that he shall not have Power to reject any Proof. The Meeting shall have Power to adjourn for any reasonable Time, provided such Adjournment do not postpone the Meeting for Election of Trustee beyond the Limit of the Period within which such Meeting is by this Act appointed to be held.

Election of Trustee.

141. The Creditors who have produced Proofs of Debt, and who have been entered in the Minutes, shall then and there elect, by a Majority in Value, a fit Person to be Trustee, and if they think fit a Second Person as substituted Trustee, to act in succession, in case of Nonacceptance, Death, or Disqualification of the Person first nominated, and in the Case of an Adjudication of Bankruptcy against several Persons as Copartners, the Creditors may either elect One Trustee for all the Estates, or separate Trustees for the joint Estate and for the Estates of all or each of the individual Partners, or Trustees in succession, as aforesaid. If no Trustee be duly elected the Court may either adjourn the Meeting for the Purpose to a later Day, or may annul the Adjudication if it shall think fit, and in case of the Adjudication being annulled for Want of a due Election of a Trustee, no subsequent Adjudication shall be made upon any future Petition of the same Petitioning Creditor in respect of the same Debt.

Procedure in case of no Election.

Judgment of Registrar or Commissioner as to Trustee.

142. If the Registrar or a Deputy appointed by him be present at the Election of Trustee, and there be no Competition for the Office, or Objection stated to the Candidate or Candidates, he shall, by an Order in the Minutes, declare the Person chosen by

by the Creditors to be Trustee, and if there be Competition, or Objection to the Candidate or Candidates, every such Objection to the Votes or Candidates shall be stated at the Meeting, and the Registrar, or Person deputed by him, may, by Consent, forthwith decide thereon, or, if required by any of the Creditors present, he shall reserve them for the Decision of the Commissioner, and in such Case he shall make a short Note of the Objection and of the Answers, on which the Commissioner shall, within *Four Days* after the Meeting, hear Parties vivâ voce, and the Commissioner shall then declare the Person Trustee, or the Persons Trustees in succession, whom he shall find to have been duly elected by the Majority of Votes in Value tendered for qualified Candidates.

When Registrar not present.

143. When the Chairman has been elected by the Creditors he shall (whether there be any Competition or Objection or not) forthwith transmit the Minutes, Proofs, Affidavits, and other Documents to the Registrar, to be retained by him till the Trustee shall be confirmed, when he shall deliver the same to the Trustee; and if there be no Competition or Objection the said Registrar shall declare the Person or Persons elected Trustee or Trustees in succession; and if there be Competition or Objection the Parties shall, within *Four Days* from the Date of the said Meeting, file with the said Registrar Notes of Objections, and the Commissioner shall forthwith hear Parties thereon vivâ voce, and give his Decision thereon in manner directed in last Section.

Judgment of Registrar or Commissioner as to Trustee to be final.

144. The Judgment of the Registrar or of the Commissioner in the several Cases above mentioned, declaring the Person or Persons elected to be Trustee or Trustees in succession, shall be given with the least possible Delay; and such Judgment shall not be subject to Review in any Court or in any Manner whatever; but such Judgment shall not affect the Right of any Creditor to tender the same Proof at any subsequent Stage of the Proceedings. The Commissioner shall have Power to order the Costs of either Party to be paid by the other Party, if he shall think fit, but no Costs of any such Proceedings shall in any Case whatever be allowed out of the Estate.

Security to be given by Trustee.

145. The Creditors shall, at the Meeting and previous to electing a Trustee, fix the Amount for which the Trustee to be elected shall give Security for his Management and generally for the Performance of his Duties under the Act, and shall also decide on the Sufficiency of the Sureties offered by the several Candidates proposed; and the Person declared to be Trustee shall forthwith file with

the Registrar a Bond of Security executed by the Trustee and the Sureties, approved for him by the Meeting, in the Form of Schedule (T.), which Bond shall be furnished to him by the Registrar: Provided that the Creditors may accept the Bond of a Guarantee Society in lieu of the Bond aforesaid.

Certificate of Appointment of Trustee.

146. On the Decision of the Registrar or Commissioner being given, declaring the Person elected Trustee, and on a Bond by the Trustee and his Sureties being duly filed as aforesaid, the Registrar shall confirm his Election as Trustee, which Confirmation shall not be subject to Review in any Court or in any Manner whatever, and shall have Relation back to the Date of filing the Petition for Adjudication of Bankruptcy; and the Registrar shall issue a Certificate under the Seal of the Court in the Form of Schedule (U.) to the Trustee, and the Trustee shall immediately transmit a Copy of such Certificate to the Comptroller, who shall make an Entry of the Name and Designation of the Trustee in the Register of Bankruptcies; and such Certificate shall be an effectual Title to the Trustee to perform the Duties hereby imposed on him, and shall be Evidence of his Right and Title to the Bankrupt's Property, for the Purposes of this Act.

To be a complete Title.

Election of Inspectors.

147. The Meeting shall also, after the Election of Trustees, elect by a Majority in Value Two or more Creditors, or Persons holding Proxies from Creditors, to be Inspectors of the Bankruptcy, and the Election and Appointment of such Inspectors shall be according to the same Rules as the Election and Appointment of Trustees, except that the Inspectors shall not be required to give Security nor be confirmed, and their Election when decided shall be declared by an Entry in the Minute Book signed by the Registrar. If in any Case such Inspectors shall not be elected, or shall decline to act, the Duties by this Act imposed on the Inspectors shall be performed by the Court, on the Application to it by the Trustee, from Time to Time, as may be necessary, until Inspectors shall be elected by the Creditors, and shall be ready to perform their Duties.

Trustee may be a Creditor, but Bankrupt's Relation, &c. disqualified, and the like as to Inspectors.

148. The Trustee may or may not be a Creditor, provided he does not hold an Interest adverse to that of the general Body of Creditors; but it shall not be lawful to elect as Trustee the Bankrupt himself, his Father, Son, or Brother, by Blood or Marriage, nor any One who within the last *Six Months* has been in his Employment, nor any One who, in the Opinion of the Court, shall not be likely to fulfil the Duties with Fairness and Correctness, and the like Disqualifications shall apply to the Inspectors as to the Trustee.

149. A

149. A Majority in Number and Value of the Creditors present at any Meeting duly called for the Purpose may remove the Trustee, or accept of his Resignation; and *One Fourth* of the Creditors in Value, or the Comptroller, may at any Time apply by Petition to the Court for Removal of the Trustee, and the Court shall order such Petition to be served on the Trustee, and Notice thereof given in the Gazette; and if the Court shall be satisfied that sufficient Reason has been shown, it shall remove the Trustee, and the Trustee next in succession shall thereupon execute a Bond of Security, with Sureties approved by the Creditors, and be confirmed, and the Estate shall vest in him, all as provided for in the Case of the Election of the First Trustee, or the Court may appoint a Meeting of the Creditors to be held for electing a new Trustee; and if the Trustee shall die, resign, or be removed, or remain at any One Time for *Three Months* out of England, or if any of the Sureties for him shall die or become bankrupt, and no other sufficient Surety shall be substituted to the Satisfaction of the Inspectors, any Inspector, or any Creditor who has proved, may apply to the Court for an Order substituting in his Place the Trustee next in succession as aforesaid, or to hold a Meeting for electing a new Trustee; and the Court, if making an Order to hold such Meeting, shall direct it to be at a certain Time and Place, which shall be advertised in the Gazette by the Inspector or Creditor so applying, and at the Time and Place so appointed the Creditors at such Meeting shall elect a new Trustee; and in all Cases of the Substitution or new Election of a Trustee the Procedure and vesting of the Estate shall take place in the like Manner as is herein-before provided in the Case of the First Trustee's Election; and the succeeding or new Trustee shall be vested with the Powers and perform the Duties and be subject to the same Rules as are herein-before provided, and shall be authorized to call to account the former Trustee, or his Representatives, and to sue upon the Bond of Security executed by the former Trustee and his Sureties as if such succeeding or new Trustee were the Party with whom it was entered into.

Removal or Resignation of Trustee.

Election of a new Trustee.

150. Any Person holding a Proxy for a Creditor, and who has been elected an Inspector, shall lose that Office, upon written Intimation being sent by his Constituent to the Trustee that he has recalled the Proxy, and the Trustee shall immediately record the Intimation in the Minute Book; and the Trustee shall, in all Cases where an Inspector has declined to act, or resigned, or become incapacitated, call a Meeting of Creditors for the Purpose of electing a new Inspector, and such Inspector shall be elected in manner herein-before provided; and a Majority of the Creditors assembled at any Meeting duly called for that Purpose may remove an Inspector, and may elect another in his Place, in manner before directed.

Removal or Resignation of Inspector.

Proof of Debts.

1. General Rules.

Bonâ fide Creditors, in respect of Debts contracted after an Act of Bankruptcy, may prove.

151. Any Debt or Demand or Liability really and bonâ fide contracted by the Bankrupt, or any Credit which was given him for valuable Consideration before the filing of the Petition for Adjudication or Bankruptcy, shall, notwithstanding any Act of Bankruptcy committed by such Bankrupt prior to such Contraction or such Credit, be admitted to be proved or set off as a Debt in manner herein-after directed, as if no such Act of Bankruptcy had been committed, provided the Creditor had not, at the Time of such Contraction or Credit given, Notice of any Act of Bankruptcy by such Bankrupt committed upon which Adjudication was made, or in respect of which Adjudication might have been made at the Date at which such Debt was contracted or such Credit was given.

Notice of Acts of Bankruptcy to Agents of Corporate Bodies, &c.

152. If any accredited Agent of any Body Corporate or public Company has had in the Course of such Agency Notice of any Act of Bankruptcy, such Body Corporate or Company shall be deemed to have had such Notice.

Proving Debt to be an Election not to proceed against Bankrupt by Action.

153. No Creditor who has brought any Action or instituted any Suit against any Bankrupt in respect of a Demand prior to the Bankruptcy, or which might have been proved as a Debt under the Bankruptcy, shall prove a Debt under such Bankruptcy, or have any Claim entered upon the Proceedings, without relinquishing such Action or Suit; and the proving or claiming a Debt under an Adjudication of Bankruptcy by any Creditor shall be deemed an Election by such Creditor to take the Benefit of such Adjudication with respect to the Debt so proved or claimed; provided that such Creditor shall not be liable to the Payment to such Bankrupt or his Trustee of the Costs of such Action or Suit so relinquished by him, and that when any such Creditor shall have brought any Action or Suit against such Bankrupt jointly with any other Person or Persons, his relinquishing such Action or Suit against the Bankrupt shall not affect such Action or Suit against such other Person or Persons; provided also, that any Creditor who shall have so proved or claimed, if the Adjudication be afterwards superseded or dismissed, may proceed in the Action or Suit as if he had not so proved or claimed.

2. Debts liquidated or certain.

Set-off.

154. When there has been mutual Credit given by the Bankrupt and any other Person, or when there are mutual Debts between the Bankrupt and any other Person, the one Debt or Demand may be set against the other, and what shall appear due on either Side on the

the Balance of such Account, and no more, shall be claimed or paid on either Side respectively; and every Debt or Demand hereby made proveable against the Estate of the Bankrupt may also be set off in manner aforesaid against such Estate.

Interest.

155. Upon all Debts or Sums certain, payable at a certain Time or otherwise, whereupon Interest is not reserved or agreed for, and which shall be overdue at the Adjudication of Bankruptcy, the Creditor shall be entitled to prove for Interest, to be calculated, at the Rate of Four Pounds per Centum per Annum, up to the Date of Adjudication, from the Time when such Debts or Sums certain were payable, if such Debts or Sums be payable by virtue of some written Instrument at a certain Time, or if payable otherwise, then from the Time when Demand of Payment shall have been made in Writing, so as such Demand shall give Notice to the Debtor that Interest will be claimed from the Date of such Demand until the Time of Payment.

Discount.

156. Any Credit given to the Bankrupt upon valuable Consideration not become payable at the Date of Adjudication shall be entitled to be proved as a Debt as if the same was payable presently, deducting Discount at the Rate of *Five Pounds* per Centum per Annum, computed from the Adjudication to the Time when such Debt would have become payable according to the Terms upon which it was contracted.

Costs, &c.

157. Costs due under or in respect of any Judgment, Decree, Order, or Rule of any Court of Law or Equity, obtained before the Adjudication against the Bankrupt, whether as Plaintiff or Defendant, may be proved as a Debt, upon being duly taxed, although such Costs shall not have been taxed at the Time of the Bankruptcy.

Debt payable by Instalments.

158. When any Debt is payable by way of Instalments, the Creditor may prove for the Amount of such Instalments remaining unpaid at the Time of the Adjudication.

Rent and other Payments falling due at fixed Periods.

159. When the Bankrupt is liable to pay any Rent or other Payment falling due at fixed or stated Periods, and the Adjudication of Bankruptcy happens at any Time other than the Day on which Rent or other Payment falls due, it shall be lawful for the Person entitled to such Rent or other Payment to prove for a proportionate Part thereof up to the Day of the Adjudication of Bankruptcy, in such Manner as if the said Rent or Payment grew due from Day to Day, and not at such fixed or stated Periods as aforesaid.

Goods pledged by Agent.

160. On the Bankruptcy of any Agent intrusted with the Possession of Goods within the Meaning of an Act passed in the Fifth

and Sixth Years of the Reign of Her present Majesty, Chapter Thirty-nine, and who shall have pledged such Goods, the Owner of such Goods, if he have redeemed the same, in manner provided by the said Act, shall be deemed a Creditor of such Agent for the Sum paid for such Redemption, as a Debt due by such Agent, as if it had been paid to such Agent before his Bankruptcy, or in case such Goods shall not be so redeemed the Owner shall be deemed a Creditor of such Agent for the Value of the Goods so pledged at the Time of the Pledge.

Partner of Two Firms.

161. If any Debtor shall, at the Time of Adjudication, be liable upon any Bill of Exchange or Promissory Note in respect of distinct Contracts as Member of Two or more Firms carrying on separate and distinct Trades, and having distinct Estates to be wound-up in Bankruptcy, or as a sole Trader and also as the Member of a Firm, the Circumstance that such Firms are in whole or in part composed of the same Individuals, or that the sole Contractor is also One of the joint Contractors, shall not prevent Proof and Receipt of Dividend in respect of such distinct Contracts against the Estates respectively liable upon such Contracts.

Bottomry or Respondentia Bonds and Policies of Assurance.

162. The Obligee in any Bottomry or Respondentia Bond, and the Assured in any Policy of Insurance, made upon good or valuable Consideration, shall be admitted to claim, and, after the Loss or Contingency shall have happened, to prove his Debt or Demand in respect thereof, as if the Loss or Contingency had happened before the filing of the Petition for Adjudication of Bankruptcy against such Obligor or Insurer; and the Person effecting any Policy of Insurance upon Ships or Goods with any Person (as a Subscriber or Underwriter) having become or becoming bankrupt, shall be entitled to prove any Loss to which such Bankrupt shall be liable in respect of such Subscription, although the Person so effecting such Policy was not beneficially interested in such Ships or Goods, in case the Person so interested is not within the United Kingdom.

3. Debts contingent or unliquidated.

Premiums upon Policies of Insurance.

163. If any Bankrupt shall at the Time of Adjudication be liable by reason of any Contract or Promise to pay Premiums upon any Policy of Insurance, or any other Sums of Money, whether yearly or otherwise, or to repay to or indemnify any Person against any such Payments, the Person entitled to the Benefit of such Contract or Promise may, if he think fit, apply to the Trustee to set a Value upon his Interest under such Contract or Promise, and the Trustee is hereby required to ascertain the Value thereof, and to admit such Person to prove the Amount so ascertained, and to receive Dividends thereon.

164. If

Contingent Debt or Liability to be valued.

164. If any Bankrupt shall, before the filing of a Petition for Adjudication of Bankruptcy, have contracted any Debt payable or Liability to pay Money upon a Contingency which shall not have happened before the filing of such Petition, the Creditor may apply to the Trustee to set a Value upon such Debt, and the Trustee is hereby required to ascertain the Value thereof, and to admit such Person to prove the Amount so ascertained, and to receive Dividends thereon; or if such Value shall not be so ascertained before the Contingency shall have happened, then such Person may, after such Contingency shall have happened, prove in respect of such Debt, and receive Dividends with the other Creditors, not disturbing any former Dividends.

Unliquidated Damages.

165. If any Bankrupt shall at the Time of Adjudication be liable, by reason of any Contract or Promise, to a Demand in the Nature of Damages which have not been and cannot be otherwise liquidated or ascertained, it shall be lawful for the Court, on Application of the Trustee or of the Party making such Demand, to direct such Damages to be assessed by a Jury, either before itself or in a Court of Law, and to give all necessary Directions for such Purpose; and the Amount of Damage, when assessed, shall be proveable as if a Debt due at the Time of the Bankruptcy: Provided that in case all necessary Parties agree, the Trustee or the Court shall have Power to access such Damages without the Intervention of a Jury or a Reference to a Court of Law.

Annuity Creditors.

166. Any Annuity Creditor of any Bankrupt, by whatever Assurance the same be secured, and whether there were or not any Arrears of such Annuity due at the Bankruptcy, may apply to the Trustee to set a Value on such Annuity, which Value the Trustee shall ascertain, regard being had to the original Price given for such Annuity, deducting therefrom such Diminution in the Value thereof as shall have been caused by the Lapse of Time since the Grant thereof to the Date of the filing of the Petition for Adjudication of Bankruptcy, and the Value so ascertained may be proved as a Debt.

4. When arising from Guarantee by Sureties.

Sureties for Payment of Annuities.

167. It shall not be lawful for any Person entitled to any Annuity granted by any Bankrupt to sue any Person who may be collateral Surety for the Payment of such Annuity until such Annuitant shall have proved against such Bankrupt's Estate for the Value of such Annuity and for the Arrears thereof; and if such Surety, after such Proof, pay the Amount proved, he shall be thereby discharged from all Claims in respect of such Annuity; and if such Surety shall not (before any Payment of the Annuity subsequent to

the Bankruptcy shall have become due) pay the Sum so proved, he may be sued for the accruing Payments of such Annuity, until such Annuitant shall have been paid or satisfied the Amount so proved, with Interest thereon at the Rate of Four Pounds per Centum per Annum, from the Time of Notice of such Proof and of the Amount thereof being given to such Surety; and after such Payment or Satisfaction such Surety shall stand in the Place of such Annuitant, in respect of such Proof, to the Amount so paid or satisfied by such Surety, and the Certificate of the Bankrupt shall be a Discharge to him from all Claims of such Annuitant or of such Surety in respect of such Annuity; provided that such Surety shall be entitled to Credit, in account with such Annuitant, for any Dividends received by such Annuitant under the Bankruptcy before such Surety shall have fully paid or satisfied the Amount so proved.

Sureties for the Bankrupt.

168. Any Surety or Person liable for any Debt of the Bankrupt at the Time of filing a Petition for Adjudication of Bankruptcy who has paid the Debt, or any Part thereof in discharge of the whole Debt, (although he may have paid the same after the filing of the Petition for Adjudication of Bankruptcy) shall be held to be a Creditor for the Amount of such Debt, or for the Amount paid by him in discharge thereof, as the Case may be, and shall be entitled to stand in the Place of the true Creditor as to the Dividends and all other Rights under the Bankruptcy which such Creditor would be entitled to in respect of his Proof; or if the Creditor shall not have proved, such Surety or Person liable, or Bail, shall be entitled to prove his Demand in respect of such Payment as a Debt under the Bankruptcy, not disturbing the former Dividends, and may receive Dividends with the other Creditors.

5. When secured on Bankrupt's Property.

Security not available unless by Mortgage, &c.

169. A Creditor having Security for his Debt, or having made any Attachment of the Goods and Chattels of the Bankrupt, shall receive upon any such Security or Attachment no more than a rateable Part of such Debt, except in respect of any Execution or Extent levied by Seizure and Sale upon or any Mortgage of or Lien upon any Part of the Property of such Bankrupt before the Date of the filing of a Petition for Adjudication of Bankruptcy.

Securities over Estate to be valued.

170. If a Creditor hold a Security for his Debt over any Part of the Estate of the Bankrupt, he shall, in the Declaration tendered for his Proof, put a specified Value on such Security, and deduct such Value from his Debt, and specify the Balance, and if the Estate over which the Security extends has been sold, he shall specify in his Declaration the

the net Proceeds which he has received or shall be entitled to receive therefrom, and specify the Balance due after Deduction thereof, and he shall be entitled in either Case to prove for and to vote in respect of such Balance, but for no more, without Prejudice to the Amount of his Debt in other respects.

Valuation of Securities with a view to a Dividend.

171. When a Creditor who holds a Security over any Part of the Estate of the Bankrupt has made the Declaration of Value directed in the preceding Section, for the Purpose of drawing a Dividend on the Balance, the Trustee, with Consent of the Inspectors, shall be entitled, at his Option, either to require a Conveyance or Assignment of such Security, at the Expense of the Estate, on Payment of the Value so specified out of the Common Fund, or to reserve to such Creditor the full Benefit of such Security; and in either Case the Creditor shall receive a Dividend on the said Balance, and no more, without Prejudice to the Amount of his Debt in other respects.

6. Further Deductions from Proof for voting.

Valuation of collateral Securities.

172. When a Creditor holds another Party besides the Bankrupt liable for the Debt, but from whom the Bankrupt would have a Right of Indemnity or Contribution, or holds any Security from which the Bankrupt has a Right of Indemnity or Contribution, such Creditor shall, before voting, make a Declaration, in which he shall put a specified Value on such Right of Indemnity or Contribution, to the Extent to which the Bankrupt is entitled thereto, and he shall deduct such Value from his Debt, and specify the Balance, and he shall be entitled to vote in respect of such Balance, and no more, without Prejudice to his Right to prove the full Amount of his Debt for the Purpose of drawing Dividends.

Trustee may require a Conveyance of Security by Creditor on 20 per Cent. Addition to his own Valuation.

173. It shall be lawful for the Trustee, with Consent of the Inspectors, within *Two Months* after a Declaration, specifying the Value of a Security or collateral Obligation in the several Cases before mentioned has been made use of in voting at any Meeting, and it shall also be lawful for the Majority of the Creditors (excluding the Creditor making such Declaration) assembled at any Meeting, and during such Meeting, to require from the Creditor making such Declaration a Conveyance or Assignment in favour of the Trustee of such Security, Obligation, or Claim, on Payment of the specified Value, with Twenty per Centum in addition to such Value; and the Creditor shall be bound to execute such Conveyance or Assignment, at the Expense of the Estate: Provided that where a Creditor has put a Value on such

Creditor may correct Valua-

tion by new Proof.

such Security or Obligation, he may, at any Time before he has been required to convey and assign as aforesaid, correct such Valuation by a new Proof, and deduct such new Value from his Debt.

Joint Creditor entitled to prove under separate Estate, for the Purpose of voting in the Election of Trustee.

174. On the Bankruptcy of a Partner of a Firm, any Creditor to whom the Bankrupt is indebted jointly with the other Partners of the Firm, or any of them, shall be entitled to prove his Debt, for the Purpose only of voting in the Election of Trustee and Inspectors, and of being heard against the Allowance of the Bankrupt's Discharge, or for either of such Purposes; but such Creditor shall not receive any Dividend out of the separate Estate of the Bankrupt until all the separate Creditors shall have received the full Amount of their respective Debts.

Persons acquiring Debts after Adjudication not to vote for Trustee.

175. A Person who acquires after the Date of filing the Petition for Adjudication, otherwise than by Representation, on Death or Bankruptcy of the Creditor, or Marriage, a Debt due by the Bankrupt, and the Wife of the Bankrupt and any Trustee for her, shall not be entitled to vote in the Election of Trustee or Inspectors, but in all other respects such Person may prove as a Creditor.

7. Manner of Proof of Debts.

When and how Debts may be proved.

176. Every Creditor of the Bankrupt may, after Adjudication, prove his Debt, by delivering or sending through the General Post, before Confirmation of a Trustee, to the Registrar of the Court, or at the Meeting for Election of Trustee, to the Chairman or Registrar presiding, or after the Confirmation of the Trustee to the Trustee, a Statement of such Debt, and of the Account, if any, between the Creditor and the Bankrupt, and any Deed or other Document establishing the same, which may be in his Possession or Control, together with a Declaration, signed by the Creditor, appended to such Statement, that it is a full, true, and complete Statement of Account between the Creditor and the Bankrupt, and that the Debt thereby appearing to be due from the Estate of the Bankrupt to the Creditor is justly due; and all Bodies Politic and public Companies incorporated, or authorized to sue or bring Actions, may prove by an Agent, provided such Agent shall in his Declaration declare that he is such Agent, and that he is authorized to make such Proof; and such Declaration by such Creditor or Agent respectively as aforesaid shall be in Form of Schedule (W.)

Declaration for Proof of Debt.

177. The

Admission of Proofs for voting.

177. The Proofs so tendered shall be admitted as sufficient for the Purpose of voting at any Meeting, subject in the Case of the Meeting for Election of Trustee to the Decision of the Registrar or Commissioner, as herein-before provided, and in the Case of any other Meeting to the Decision of the Court on Appeal by the Bankrupt, the Trustee, or any Creditor; provided that such Appeal, except where otherwise expressly provided, shall be brought within Ten Days after the Meeting at which the Proof was tendered or used; and on such Appeal the Court may, if it think fit, at the Hearing, admit further Evidence in support of or against any Proof tendered, and on Computation of the Amount of Proofs which it shall find ought to be admitted for the Purpose of such voting it shall declare the Result of the Vote, and give such Orders as may then be proper for carrying it into effect.

When Valuation requisite.

178. No Creditor shall vote or receive Dividends in respect of any Debt which is herein-before directed to be valued by the Trustee until such Valuation is made, and before the Confirmation of Trustee the Application for Valuation may be made to the Court, and the Trustee's Valuation shall be subject to Appeal.

Admission of Proofs for Dividends.

179. The Trustee shall, for the Purpose of ranking the Debts for Dividends, examine the whole of the Proofs so tendered, whether before or subsequent to his Appointment and Confirmation, and shall compare them with the Bankrupt's Books and List of Debts, and may admit or reject any of them, in whole or in part, or if he thinks fit may require further Evidence in regard to any, and he shall, by Letter through the Post, intimate to each Creditor who has tendered a Proof, whether his Proof is admitted or rejected, or if in part admitted, to what Extent, and if rejected, in whole or in part, in what respect the Proof is defective or insufficient, and he shall have Power to examine the Bankrupt, Creditor, or any other Party on Oath relative thereto, or to receive Affidavits, and his Decision shall be subject to Appeal as hereinafter mentioned. The Court may at any Time expunge or reduce a Proof of Debt, on such Application and such Evidence as it shall think sufficient, and may make such Order as to the Costs of any Application as shall seem just.

Proof may be expunged or reduced.

Provision for Correction of Proof.

180. When it shall appear to the Court, Registrar, or Trustee that the Declaration for Proof of any Person, whether made for the Purpose of voting or of drawing a Dividend, is not framed in the Manner required by this Act, the Court, Registrar, or Trustee, as the Case may be, shall call upon such Person, or the Person holding his Proxy, to rectify his Declaration, pointing out to him wherein

it is defective; and unless such Rectification be made the Court, Registrar, or Trustee, as the Case may be, shall disallow or reject such Proof, in whole or in part: Provided that when the Failure to comply with the Provisions of this Act shall appear to have been made for any improper or fraudulent Purpose, or where Injury can be shown to have been done to the other Creditors or any of them in respect thereof, it shall not be incumbent upon the Court, Registrar, or Trustee to give such Person an Opportunity to rectify his Declaration as aforesaid.

Examination of Bankrupt.

Examination of Bankrupt.

181. Immediately on his being confirmed, the Trustee shall apply to the Court to appoint a Day for the first Examination of the Bankrupt, and the Court shall appoint a Day for such Examination not more than *Fourteen* nor less than *Seven Days* after the Order for such Purpose, and such Order shall be forthwith served on the Bankrupt by the Trustee, and Notice thereof published in the Gazette in the Form contained in Schedule (X.)

Court may issue Warrant to arrest Bankrupt.

182. In case the Bankrupt shall not appear at the Time appointed by the Court (having no lawful Impediment made known to and allowed by the Court at such Time), or if in any Case it shall be proved to the Satisfaction of the Court that any Bankrupt is keeping out of the way, and cannot be personally served with a Summons, or that there is probable Cause for believing that he is about to quit England, or to remove or conceal any of his Goods or Chattels, unless he be forthwith apprehended, it shall be lawful for the Court, by Warrant, to authorize and direct any Person the Court shall think fit to apprehend and arrest such Bankrupt, and bring him before the Court on the Day appointed for the Examination, or on a subsequent Day to be fixed by the Court, or if he is in Custody to direct the Person in whose Custody he is to bring him before the Court, the Cost thereof being defrayed out of the Estate.

Examination.

183. Upon the Appearance of the Bankrupt, or if such Bankrupt be present at any Sitting of the Court or at any adjourned Examination, it shall be lawful for the Trustee, or any Creditor, or for the Court, to examine such Bankrupt upon Oath, either by Word of Mouth or on Interrogatories in Writing, touching all Matters relating to his Trade, Dealings, or Estate, or which may tend to disclose any secret Grant, Conveyance, or Concealment of his Lands, Tenements, Goods, Money, or Debts, and his Answers shall be written by the Court, and the Examination, so reduced into Writing, the said Bankrupt shall sign and subscribe.

184. The

184. The Bankrupt shall, prior to the First Meeting of Creditors, prepare a Statement of his Affairs, consisting of a Statement of his Assets, with the Value at which he estimates each, and a List of his Creditors, secured and unsecured, with the Amount of the respective Debts and Security, if any, of each, and shall subscribe such Statement and List, and place the same in the Hands of the Registrar or other Chairman of such Meeting; and such Statement may at his Examination be amended as Occasion shall require and the Court shall direct; and the Bankrupt shall make, at his First Examination, Oath of the Truth of such Statement to the best of his Knowledge and Belief, and it shall then be copied by the Trustee into the Minute Book, and the Bankrupt shall in no Case be entitled to the Benefit of this Act until such Statement shall have been duly furnished as aforesaid.

The Bankrupt to prepare a Statement of Accounts.

185. The Statement of Affairs, when in the Hands of the Registrar, Chairman, or Trustee, shall be open to the Inspection of all Creditors, who may take Copies of and Extracts from the same, subject to such Regulations as General Orders shall direct; and if the Creditors at any Meeting so direct, an Abstract thereof shall be printed, and a printed Copy sent by Post by the Trustee to each Creditor who has proved.

Statement of Accounts to be open to Creditors.

186. No Allowance shall be made to the Bankrupt for any Assistance in the Preparation of such Statement: Provided that if it shall in any Case appear to the Creditors that there are special Circumstances rendering it necessary that the Bankrupt should be assisted in the Preparation of such Statement by some other Person, they may nominate some such Person to assist the Bankrupt in that Behalf, and may allow to such Person, out of the Bankrupt's Estate, such Remuneration as they may think fit, and as to the Court, upon the Taxation of such Person's Bill of Costs, shall seem just; and in such Case the Statement so prepared shall have appended thereto a Certificate signed by the Person appointed to assist the Bankrupt in the Preparation thereof, expressing his Approval or Disapproval thereof, and if he disapproves the Particulars and Reasons of such Disapproval.

Bankrupt to make out Statement, without Assistance, except under special Circumstances.

Examination of other Parties.

187. It shall be lawful for the Court, on the Application of the Trustee, at any Time, to summon before it the Wife of the Bankrupt, or any Person known or suspected to have any of the Estate of the Bankrupt in his Possession, or who is supposed to be indebted to the Bankrupt, or any Person whom the Court may believe capable of giving Information concerning the Person, Trade, Dealings, or

Court may summon other Persons.

Estate of the Bankrupt, or concerning any Act of Bankruptcy committed by him, or any Information material to the full Disclosure of his Dealings; and the Trustee, or any Creditor by Leave of the Court, or the Court, may examine such Person on Oath concerning the same, and the Evidence shall be reduced into Writing, by or under Direction of the Court, and signed by the Witness; and the Court may require such Person to produce any Books, Papers, Deeds, Writings, or other Documents in his Custody or Power which may appear to the Court necessary to the Verification of the Deposition of such Person, or to the full Disclosure of any of the Matters which the Court is authorized to inquire into; and if such Person so summoned shall not come before the Court at the Time appointed, having no lawful Impediment (made known to the Court at the Time of its sitting, and allowed by it), it shall be lawful for the Court, by Warrant, to direct the Person therein named for that Purpose to apprehend and arrest such Person, and bring him before the Court for Examination.

Service of Summons where Persons keep out of the way.

188. If it shall be shown by Affidavit to the Satisfaction of the Court that any Person to whom any such Summons is directed as aforesaid is keeping out of the way, and cannot be personally served therewith, and that due Pains have been taken to effect such personal Service, it shall be lawful for the Court to order, by Endorsement upon the Summons, that the Delivery of a Copy of such Summons to the Servant or Wife, or some adult Inmate of the House or Family of the Person, at his usual or last known Place of Abode or Business, and explaining the Purport thereof to such Servant, Wife, or Inmate, shall be equivalent to personal Service.

Court may order Letters addressed to Bankrupt to be delivered to Trustee.

189. The Court may order that for a Period of Three Months from the Date of any such Order all Post Letters addressed to any Bankrupt shall be re-addressed, sent, or delivered by the Postmaster General, or the Officers acting under him, to the interim Receiver or Trustee named in such Order; and upon Notice by Transmission of a Duplicate of any such Order to the Postmaster General or the Officers acting under him, they shall act upon the same; and the Court may, upon any Application to be made for that Purpose, renew any such Order for a like or for any other less Period as often as may be necessary.

Witnesses and Persons known or suspected to have Bankrupt's Property, &c. entitled to Costs of Attendance, &c.

190. Every Person summoned to attend before the Court as a Person known or suspected to have any of the Estate of the Bankrupt in his Possession, or who is supposed to be indebted to the Bankrupt, may have such Costs and Charges allowed to him as the Court in its Discretion shall think fit; and every Witness summoned to attend before the Court shall have his necessary Expenses tendered

to

to him in like Manner as is now by Law required upon Service of a Subpœna to a Witness in an Action at Law.

Commitment of Bankrupt or Witness.

Penalty on Refusal to answer.

191. If the Bankrupt shall refuse to answer to the Satisfaction of the Court any Question put or allowed by the Court, or to deliver any Books or Documents or Property as the Court shall require, or to sign his Examination and his Statement of Affairs, it shall be lawful for the Court to commit him to Prison for such Time as it shall think fit.

Examination of Persons summoned.

192. If any Person, other than the Bankrupt, who, being present at any Sitting of the Court, and being required to give Evidence before it, or if any such Person being summoned or brought before the Court upon any Warrant as aforesaid, shall refuse to take the Oath or to answer to the Satisfaction of the Court any Question put or allowed by the Court, or to produce and deliver up any Book or Document it may require, or to sign his Examination, the Court may commit him to Prison.

Form of Warrant for Commitment of Bankrupt or Witness.

193. In any Warrant of Commitment issued by any Court under this Act it shall not be necessary to set forth or specify any Question or any Part of the Examination of the Person so committed, but it shall be sufficient to refer in the Warrant to the Examination or Deposition of the Person as remaining on the File of Proceedings, and to specify in the said Warrant the precise Date of the Examination or Deposition so referred to; and such Warrant shall be in the Form contained in Schedule (Y.); provided, however, that in every Case in which any Person shall be so committed for refusing to answer or for not fully answering any Question put to him, every such Question shall be specified in the Examination or Deposition of the Person committed remaining on the File of Proceedings, and so referred to as aforesaid; and provided also, that a Copy of the said Examination or Deposition so referred to shall be delivered personally to the Person committed within *Twenty-four Hours* next after his actual Committal to Prison; and in default of the said Copy being delivered the Person committed shall be discharged from Custody, either by the Court or by the Judge before whom such Person may be brought by Habeas corpus, with such Costs, if any, as the said Court or Judge may deem just.

Copy of his Examination to be delivered to Person committed.

Discharge of Person committed.

194. If any Person so committed shall sue forth any Writ of Habeas corpus in order to be discharged from such Commitment, he shall not be discharged by reason of any mere Matter of Form, but if the Court or Judge before whom he shall be brought, upon Inspection and Consideration of the whole of the Examination or Deposition of such Person, shall be of opinion that the Answer or

Answers of such Person is or are satisfactory, the Court or Judge may order the Person so committed to be discharged.

Second and subsequent Meeting of Creditors.

Calling of Second Meeting.

195. The Trustee shall, in the Gazette Notice of the Examination of the Bankrupt which he is directed in Section One hundred and eighty-one to make, also give Notice of his Election as Trustee, his Name and Address, and of a Day, Hour, and Place for holding a Second Meeting of Creditors, which Day shall be not less than Seven nor more than Fourteen Days after the Day fixed for Examination of the Bankrupt, and also Notice of the Period hereinafter limited for the Proof of Debts for Participation in the First Dividend, and shall also send Notice of all these Particulars, by Letter through the General Post, to every Creditor who has proved.

Report by Trustee.

Prior to the Meeting the Trustee shall prepare a Report setting forth the State of the Bankrupt's Affairs, and an Estimate of what the Estate is expected to produce, which Report he shall exhibit at the Meeting of Creditors, and give all Explanations relative thereto.

Powers of Creditors over Estate.

196. The Creditors assembled at such Meeting or at any other Meeting may give Directions for the Recovery, Management, and Disposal of the Estate; and when any Part of the Estate consists of Land or Leasehold Estate, it shall be optional to the Creditors to determine whether the Trustee is to dispose thereof by Public or Private Sale, and under what Conditions.

How Meetings to be called.

197. The Trustee, or any Inspector with Notice to the Trustee, may at any Time call a Meeting of the Creditors, and the Trustee shall call such Meeting, when required by *One Fourth* in Value of the Creditors then ranked on the Estate for the Purpose of voting, or by the Comptroller; and any Meeting may be adjourned to a subsequent Day.

Notice of Meetings.

198. Meetings of Creditors shall be called by Notice of the Day, Hour, Place, and Purpose thereof, advertised in the Gazette Seven Days at least before the Day of the Meeting, and Notice of the Day, Hour, Place, and Purpose of Meetings shall also be

No Notice to be sent in certain Cases.

sent by Post to all Creditors whose Debts are above Twenty Pounds, except to any such Creditor as shall have given Directions in Writing that no such Notice shall be sent him.

Rules as to computing Majorities.

Proxies for Creditors may vote.

199. All Questions at any Meeting of Creditors shall be determined by the Majority in Value of those present and entitled to vote, unless in the Cases herein otherwise provided for. A Person holding a Proxy for a Creditor entitled to vote may vote in the Absence of such Creditor, and such Proxies may be in the Form contained in Schedule (Z.)

General

General Duties of Trustee and Inspectors.

Trustee to take possession of Estate and Books, and make up Inventory.

200. The Trustee shall, as soon as may be after his Confirmation, take possession of the Bankrupt's Estate and Effects, and of his Title Deeds, Books, Bills, Vouchers, and other Papers and Documents, all of which the Bankrupt shall be bound to deliver to him, and the Trustee shall also make up an Inventory of such Estate and Effects, and a Valuation showing the estimated Value and the annual Revenue thereof, and shall forthwith transmit Copies of such Inventory and Valuation to the Comptroller. The Bankrupt shall be bound, whether before or after his Discharge, to give all the Assistance in his Power to the Trustee for the Purpose of enabling him to make up such Inventory and Valuation, and to attend him at all reasonable Times, on Requisition in Writing by the Trustee for that Purpose.

Trustee to recover Funds of Estate.

201. The Trustee shall manage, realize, and recover the Estate belonging to the Bankrupt, wherever situated, and convert the same into Money, according to the Directions given by the Creditors at any Meeting, and if no such Directions are given he shall do so with the Advice of the Inspectors; and he shall deposit all Money which he shall receive in such Bank as the Majority of the Creditors in Number and Value at any General Meeting shall appoint, (provided that no such Money shall be deposited in any Bank other than the Bank of England, in which the Trustee shall be an acting Partner, Manager, or Cashier,) and failing such Appointment in the Bank of England; and the Money shall be deposited in the Name of the Trustee, in his official Character under this Act, at such Notice of Withdrawal as the Inspectors shall direct, and, failing such Notice, at Call; and such Bank, if allowing Interest, shall, once yearly at least, balance such Account, and accumulate the Interest with the Principal Sum, so that both shall thereafter bear Interest as Principal; and if such Bank fail to do so such Bank shall be liable to account as if such Interest had been so accumulated.

To be paid by Commission, but not to be entitled to charge for Assistance.

202. The Trustee shall be paid by Commission on the Assets recovered, to be fixed by the Inspectors in manner after mentioned, but he shall not be entitled to make any Charge against the Estate for Remuneration to any Clerks, Accountants, Managers, or other Assistants, unless such Charge shall be expressly directed by the Creditors at a Meeting, and the Amount thereof allowed by the Inspectors by Writing under their Hand; and all Bills of Costs, Charges, Fees, and Disbursements of Solicitors or Attorneys employed by the Trustee shall be duly taxed by the proper Officer, but shall not be allowed as a Charge against the Estate until and in so far as they shall have been transmitted to the Comptroller, and returned by him with a Certificate that they have been properly

incurred, either in pursuance of a Resolution of the Creditors at any Meeting, or in the necessary Course of Management and Realization of the Estate.

Penalty on Trustee retaining Funds.

203. If the Trustee shall keep in his Hands any Sum exceeding *Fifty Pounds* belonging to the Estate for more than *Ten Days*, he shall pay Interest to the Creditors at the Rate of *Twenty Pounds* per Centum per Annum on the Excess of such Sum above *Fifty Pounds* for such Time as the same shall be in his Hands beyond *Ten Days;* and if, unless the Court shall be of opinion that Money has been so kept from Inadvertence or Accident, and without Profit to the Trustee thence arising, the Trustee shall be dismissed from his Office, upon Petition to the Court by any Creditor, and have no Claim to Remuneration, and shall be liable in Costs.

Trustee to keep a Minute Book, and send Copy of Accounts to Comptroller.

204. The Trustee shall keep a Minute Book, in which he shall record all Minutes of Meetings of Creditors and of Inspectors, Statements of Accounts, Reports, and all the Proceedings necessary to give a correct View of the Management of the Estate, and he shall also keep regular Accounts of the Affairs of the Estate, and transmit to the Comptroller, before each of the Periods herein-after fixed for Payment of a Dividend, a Copy, certified by himself, of such Accounts, in so far as not previously transmitted, and such Copies shall be preserved in the Office of the Comptroller; and the Minute Book and Accounts shall be patent to the Inspectors and to the Creditors or their authorized Agents, at all Times: Provided always, that when any Document is of a confidential Nature (such as the Opinion of Counsel on any Matter affecting the Interest of the Creditors on the Estate) the Trustee shall not be bound to insert it in the Minute Book, or to exhibit it to any other Person than the Inspectors, except under the Order of the Court.

Duties of Inspectors.

205. The Inspectors shall superintend the Proceedings of the Trustee, and their Concurrence with him in References to Arbitration shall be essential, and they shall also give their Advice and Assistance relative to the Management of the Estate, and shall decide as to paying or postponing Payment of a Dividend, and may meet at any Time to ascertain the Situation of the Bankrupt Estate, and any One of them may make such Report as he may think proper to a General Meeting of the Creditors.

Receiver, Trustee, and Inspector amenable to Court.

206. The Interim Receiver, the Trustee, and the Inspectors shall be amenable to the Court, although resident beyond the Jurisdiction of the Court, at the Instance of any Party interested, or of the Comptroller, to account for their Transactions and Management, by Petition served on them respectively; and in case it shall appear that

that such Application ought not to have been made, the Party complained of shall be entitled to his full Costs, to be either retained out of the Funds in the Bankruptcy, or recovered from the Party complaining, as the Court shall direct.

Appeals from Resolutions of Creditors or Decisions of Trustee or Inspector.

Creditor, Inspector, or Trustee may appeal to Court.

Power to rescind or vary.

207. It shall be lawful for the Trustee or an Inspector, or a Creditor who has proved or tendered Proof, to appeal against any Resolution of the Creditors made at any Meeting, or any Decision of the Inspectors; and it shall be lawful for any such Creditor to appeal against any Decision of the Trustee admitting or rejecting his own Proof or the Proof of any other Creditor in whole or in part, provided such Appeal be brought, in the Form to be directed by General Orders, within Ten Days after the Date of such Resolution of any Meeting being made, or of such Decision of the Inspectors being entered in the Minute Book, or of the Letter containing such Decision of the Trustee being posted to the Creditor whose Proof is admitted or rejected thereby. Such Appeal shall in no Case operate as a Stay of the Proceedings, but on its being decided the Court shall have Power to give such Orders as may be proper for the due Prosecution of the Bankruptcy thereafter, although the Time for such Proceedings limited in this Act shall have elapsed. On an Appeal against any Resolution of Creditors the Court shall have Power to rescind the same, in whole or in part, or, by Consent of the Parties appearing on such Appeal, to vary the same, and such Resolution so varied shall thereupon be taken as the Resolution passed at such Meeting. On an Appeal against any Decision of the Inspector or Trustee the Court may rescind or vary the same as it shall think just.

Vesting of Estate in Trustee.

Real Estate to vest in Trustee.

208. When any Person has been adjudged a Bankrupt, all Lands, except Copy or Customaryhold, in England, Scotland, Ireland, or in any of the Dominions, Plantations, or Colonies belonging to Her Majesty, to which the Bankrupt is entitled, and all Interest to which such Bankrupt is entitled in any of such Lands, and of which he might, according to the Laws of the several Countries, Dominions, Plantations, or Colonies have disposed, and all Agreements relating to such Lands under which he takes an Interest, and all such Lands as he shall purchase, or as shall descend, be devised, revert to, or come to such Bankrupt before he shall have obtained his Discharge, and all Deeds, Papers, and Writings respecting the same, shall become absolutely vested in the Trustee for the Time being, for the Benefit of the Creditors of the Bankrupt, by virtue of his Confirmation, without any Deed of Con-

veyance for that Purpose, but subject to all Covenants or Conditions made for valuable Consideration by which the Bankrupt was bound; and as often as any such Trustee shall die, or be lawfully removed or displaced, and a new Trustee shall be duly confirmed, such of the aforesaid Real Estate as shall remain unsold or unconveyed shall by virtue of such Confirmation vest in like Manner in the new Trustee, without any Conveyance for that Purpose.

When a Conveyance of the Property of a Bankrupt would require to be registered, the Certificate of Appointment of the Trustee shall be registered.

209. When according to Law any Conveyance or Assignment of any Real or Personal Property of a Bankrupt would require to be registered, enrolled, or recorded in any Registry Office in England, Wales, or Ireland, or in any Register in Scotland, or in any of the Dominions, Plantations, or Colonies belonging to Her Majesty, in every such Case the Certificate of the Confirmation of Trustee shall be registered in the Registry Office or Register wherein such Conveyance or Assignment would require to be registered, enrolled, or recorded, and such Registry shall have the like Effect to all Intents and Purposes as the Registry, Enrolment, or recording of such Conveyance or Assignment would have had; and the Title of any Purchaser of any such Property for valuable Consideration, without Notice of the Bankruptcy, who shall have duly registered, enrolled, or recorded his Purchase Deed previous to the Registry hereby directed, shall not be invalidated by reason of such Bankruptcy, or of the vesting of such Property in the Trustee consequent thereupon.

Clauses in 3 & 4 W. 4. c. 74. extended to Proceedings under Petition for Adjudication.

210. The Clauses of the Act passed in the Fourth Year of the Reign of King William the Fourth, Chapter Seventy-four, numbered Fifty-six, Fifty-seven, Fifty-eight, Fifty-nine, Sixty, Sixty-one, Sixty-two, Sixty-three, Sixty-four, Sixty-five, Sixty-six, Sixty-seven, Sixty-eight, Sixty-nine, Seventy-one, Seventy-two, Seventy-three, shall extend and apply to Proceedings in Bankruptcy under Adjudication of Bankruptcy, as fully and effectually as if those Clauses were re-enacted in this Act, and expressly extended to such Proceedings.

Copyhold and Customary Lands of Bankrupt.

211. The Trustee shall have Power to dispose for the Benefit of the Creditors of any Estate or Interest at Law or in Equity which at Adjudication or afterwards, before Order of Discharge, a Bankrupt has in any Copyhold or Customary Land, and the Court shall make an Order vesting the Land or such Estate or Interest as the Bankrupt has therein, in such Person and in such Manner as the Court shall think fit. Every Person in whose Favour any such Vestry or Order shall be made shall, before he enter into or take any Profit of the same, agree and compound with the Lords of the Manors of whom the same shall be holden for such Fines, Dues, and other

Vendees of Copyhold Lands shall compound with the Lord for their Fines.

other Services as theretofore have been usually paid for the same, and thereupon the said Lords shall, at the next or any subsequent Court to be holden for the said Manors, grant unto such Vendee, upon Request, the said Copy or Customary Lands or Tenements, for such Estate or Interest as shall have been so conveyed to him as aforesaid, reserving the ancient Rents, Customs, and Services, and shall admit him Tenant of the same.

Bankrupt not liable to Rents or Covenants in Conveyances, Leases, &c.; and if Trustee decline to determine whether he will accept Conveyance, &c., any Person entitled may apply to the Court.

212. If any Bankrupt shall have entered into any Agreement for the Purchase of any Estate or Interest in Land, or have or be entitled to any Land subject to any perpetual yearly Rent reserved by the Conveyance or Agreement for Conveyance thereof, or have or be entitled to any Lease or Agreement for a Lease, the Trustee may elect to complete or decline to complete such Purchase, or to take or decline to take such Land, or the Benefit of such Conveyance or Agreement, or Lease or Agreement for Lease; and if the Trustee shall not (upon being thereto required) elect whether he will so accept or decline, the Vendor or any Person entitled to such Rent, or having so conveyed or agreed to convey, or leased or agreed to lease, or any Person claiming under him, shall be entitled to apply to the Court, and the Court may order the Trustee to elect and deliver up such Agreement, or such Conveyance or Agreement for Conveyance, or Lease or Agreement for Lease, in case he shall decline the same, and the Possession of the Premises, or, if necessary, to reconvey or reassign the same, or may make such other Order therein as it shall think fit; and the Bankrupt shall not be liable to pay any Rent accruing after the filing of the Petition for Adjudication of Bankruptcy against him, or to be sued in respect of any subsequent Non-observance or Nonperformance of the Conditions, Covenants, or Agreements in any such Conveyance or Agreement, or Lease or Agreement for a Lease: Provided that in every Case of a Lease or Agreement for a Lease it shall be lawful for the Trustee to take the Benefit thereof, and to keep possession of the Premises up to some quarter or half-yearly Day on which Rent is made payable by the same Lease or Agreement, such Day not being more than Six Months from the Adjudication of Bankruptcy, and upon such Day to decline such Lease or Agreement for a Lease.

Trustees may elect to take Lease for limited Period.

Trustee may execute Powers previously vested in Bankrupt.

213. All Powers vested in any Bankrupt which he might legally execute for his own Benefit (except the Right of Nomination to any vacant Ecclesiastical Benefice) may be executed by the Trustees, for the Benefit of the Creditors, in such Manner as the Bankrupt might have executed the same.

 214. When

Life Estates in Remainder, &c.

214. When under any Settlement or Will a Bankrupt Non-trader shall be entitled to a Life Estate in remainder expectant upon the Death or Deaths of any previous Tenant or Tenants for Life, with any Remainder over to the Bankrupt's Issue, or the Heirs of his Body, or any of them, as Purchasers, the Life Estate of such Bankrupt Non-trader shall not be sold before it falls into possession, without an express Direction of the Court.

Personal Estate to vest in Trustees.

215. When any Person has been adjudged a Bankrupt, all his Personal Estate and Effects, present and future, wheresoever the same may be found or known, and all Property which he may purchase, or which may revert, descend, be devised or bequeathed or come to him, before he shall have obtained his Discharge, and all Debts due or to be due to him, wheresoever the same may be found or known, and the Property, Right, and Interest in such Debts, shall become absolutely vested in the Trustee for the Time being, for the Benefit of the Creditors of the Bankrupt, by virtue of his Confirmation, and subject to all such Conditions, Restrictions, or Liabilities as affected or would have affected the same in the Bankrupt's Person; and after such Adjudication, neither the Bankrupt, nor any Person claiming through or under him, shall have Power to recover the same, nor to make any Release or Discharge thereof, neither shall the same be attached as the Debt of the Bankrupt by any Person, but such Trustee shall have like Remedy to recover the same in his own Name as the Bankrupt himself might have had if he had not been adjudged bankrupt.

Where Bankrupt beneficially entitled to Stock Transfer to be made to Trustee.

216. If any Bankrupt shall have any Government Stock, Funds, or Annuities, or any of the Stock of any public Company, either in England, Scotland, or Ireland, standing in his Name in his own Right, all Persons whose Act or Consent is thereto necessary shall, on Production to them of the Certificate of the Trustee's Appointment, transfer the same into the Name of the Trustee, and pay all Dividends upon the same to the Trustee. Any Treasurer or other Officer, or any Banker, Attorney, or Solicitor, or other Agent of the Bankrupt, shall pay and deliver over to the Trustee all Monies or Securities for Money in his Custody, Possession, or Power as such Officer or Agent, and which he is not by Law entitled to retain as against the Bankrupt or his Trustee.

Any Treasurer &c. or Agent of the Bankrupt to deliver all Monies, &c.

Realization of Estate.

Titles to Property sold not to be impeached, unless Proceedings taken to annul, and duly prosecuted.

217. No Title to any Real or Personal Estate sold under any Bankruptcy shall be impeached by the Bankrupt, or any Person claiming under him, in respect of any Defect in the Petition for Adjudication, or in any of the Proceedings under the same, unless the

the Bankrupt shall within the Time allowed by this Act have commenced Proceedings to dismiss or annul the Petition or Adjudication, and duly prosecuted the same, and the Petition or Adjudication shall, under such Proceedings, be dismissed or annulled. The Court may, on the Application of the Trustee or any Purchaser of such Estate, declare by a Certificate under its Seal that no such Proceedings have within such Time been commenced, or been duly prosecuted, or that the Bankruptcy has not been annulled; and such Certificate shall be conclusive Evidence of the Title of the Trustee or of such Purchaser.

Conditional Estates granted by the Bankrupt may be redeemed by Trustees.

218. If any Bankrupt has granted, conveyed, assured, or pledged any Real or Personal Estate, or deposited any Deeds, such Grant, Conveyance, Assurance, Pledge, or Deposit being upon Condition or Power of Redemption at a future Day by Payment of Money or otherwise, the Trustee may, before the Time of the Performance of such Condition, make Payment of Money or other Performance, according to such Condition, as fully as the Bankrupt might have done; and after such Payment or Performance such Real or Personal Estate may be sold and disposed of for the Benefit of the Creditors.

Mortgagee may bid at Sale.

219. Any Mortgagee, with the Leave of the Court first obtained, may bid at any Sale of the mortgaged Property.

Portion of Pay, Half Pay, Salary, or Pension of Bankrupt to be applicable for Creditors.

220. The Court may order such Portion of the Pay, Half Pay, Salary, Emolument, or Pension of any Bankrupt as, on Communication from the Court, the Secretary of State for War, or the Secretary of State for India, or the Lords Commissioners of the Admiralty, or the Commissioners of the Customs or Excise, or the Chief Officer of the Department to which such Bankrupt may belong or may have belonged, or under which such Pay, Half Pay, Salary, Emolument, or Pension may be enjoyed by such Bankrupt, may officially sanction to be paid to the Trustee, to be applied in Payment of the Debts of such Bankrupt; and such Order and Sanction being lodged in the Office of Her Majesty's Paymaster General, or of the Secretary of State for India, or of any other Officer or Person appointed to pay or paying any such Pay, Half Pay, Salary, Emolument, or Pension, such Portion of the said Pay, Half Pay, Salary, Emolument, or Pension as shall be specified in such Order and Sanction shall be paid to such Trustee until the Court shall make Order to the contrary.

Sequestration of Profits of Benefice of bankrupt Clergyman may be obtained.

221. If any Bankrupt be a beneficed Clergyman the Trustee may apply for and obtain a Sequestration of the Profits of the Benefice of such Bankrupt, which Profits shall form Part of the Bankrupt's Estate,

Estate, and be applied accordingly; and the Certificate of Confirmation of such Trustee shall be a sufficient Authority for the granting of such Sequestration, without any Writ or other Proceeding to authorize the same, and such Sequestration shall accordingly be issued as the same might have been issued upon any Writ of Levari facias founded upon any Judgment against such Bankrupt: Provided always, that the Sequestrator shall allow out of the Benefice to the Bankrupt whilst he performs the Duties of the Parish or Place such an annual Sum, payable quarterly, as the Bishop of the Diocese in which the Benefice is situated shall direct; and it shall be lawful for the Bishop to appoint to such Bankrupt such or the like Stipend as by Law he might have appointed to a Curate duly licensed to serve such Benefice in case the Bankrupt had been non-resident.

Search Warrants may be issued.

222. When, on the Application of the Trustee, it shall be made to appear to the Satisfaction of the Court that there is Reason to believe that any Property of the Bankrupt is concealed in any House or other Place not belonging to such Bankrupt, the Court may grant a Search Warrant to the Person appointed by the Court, and it shall be lawful for such Person to execute such Warrant according to the Tenor thereof; and such Person shall be entitled to the same Protection as is allowed by Law in execution of a Search Warrant for Property reputed to be stolen or concealed; and every such Search Warrant shall be in such Form as shall be directed by General Orders.

No Action to be brought against Persons acting in obedience to Warrant of the Court.

223. No Action shall be brought against any Person appointed by the Court, for anything done in obedience to any Warrant of the Court, notwithstanding any Defect of Jurisdiction in the Court by which such Warrant shall have been granted; and if such Action be brought against the Trustee and the Person so appointed, and the Verdict shall be given against the Trustee, the Plaintiff shall recover his Costs against him, including such Costs as the Plaintiff is liable to pay to the Person so appointed as aforesaid; and in any such Action brought against the Trustee, Proof by the Plaintiff in such Action that the Defendant, or any of the Defendants, is Trustee, shall be sufficient for the Purpose of making such Defendant liable, in the same Manner and to the same Extent as if the Act complained of in such Action had been done or committed by such Defendant.

Proof in such Actions that Defendant is Trustee sufficient to render him liable.

Person holding Warrant may break open the Bankrupt's Doors, &c. and

224. It shall be lawful for any Person acting under Warrant of the Court to break open any House, Chamber, Shop, Warehouse, Door, Trunk, or Chest of any Bankrupt where any such Bankrupt

or

or any of his Property shall be reputed to be, and seize upon the Property of such Bankrupt; and if the Bankrupt be in Prison or in Custody, it shall be lawful for such Person to seize any Property of the Bankrupt (his necessary Wearing Apparel only excepted) in the Custody or Possession of such Bankrupt or of any other Person, in any Prison or Place where such Bankrupt is in Custody. seize upon Property.

225. It shall be lawful for the Person acting under Warrant of the Court to break open any House, Chamber, Shop, Warehouse, Door, Trunk, or Chest of the Bankrupt in Scotland or Ireland where any of his Property shall be reputed to be, and to seize the same; provided such Warrant shall have been verified upon Oath before and backed or endorsed by a Justice of the Peace of the County, City, Borough, or Town Corporate where or near to which the same is executed; and provided also, that the Person executing it shall, before such Justice of the Peace, depose upon Oath that he is the Person named in such Warrant. Execution of Warrant in Scotland or Ireland.

226. If it shall appear to any Meeting of the Creditors summoned by Notice stating the Object of the Meeting, and at which Three Fourths in Value of the Creditors shall be present or represented, that the Debts of any Bankrupt can be discharged by means of Money raised by way of Mortgage or Pledge of any of his Property, and such Meeting shall pass a Resolution accordingly, it shall be lawful for the Trustee, when thereunto authorized by Order of the Court, to execute such Mortgage or Pledge, with or without Powers of Sale and other Powers, and in such Manner in all respects as shall be specified in such Order; and the Court may order the Execution of such Mortgage or Pledge by any other necessary Parties, and give all necessary Directions for the Purpose of carrying into effect the Resolution of the Creditors. Power to mortgage or pledge Bankrupt's Property.

227. The Trustee may, with the Sanction of the Court, sell by Auction or Tender, or by private Contract, all or any of the Book Debts due or growing due to the Bankrupt, and the Books relating thereto, and the Goodwill of his Trade or Business, and assign the same to the Purchaser; and such Purchaser shall, by virtue of the Assignment, have Power to sue in his own Name for the Debts assigned to him, as effectually, and with the same Privileges concerning Proof of the Requisites of Bankruptcy and other Matters, as the Trustee himself. Power to sell Bankrupt's Book Debts, Goodwill, &c.

228. If any Bankrupt at the Time he becomes bankrupt has, by the Consent and Permission of the true Owner thereof, in his Goods in the Possession, Order, or Dis-

position of the Bankrupt to be deemed his Property.

Possession, Order, or Disposition any Goods or Chattels whereof he was reputed Owner, or whereof he had taken upon him the Sale, Alteration, or Disposition as Owner, the Court shall have Power to order the same to be sold and disposed of for the Benefit of the Creditors under the Bankruptcy: Provided that nothing herein contained shall invalidate or affect any Transfer or Assignment of any Ship, or any Share thereof, made as a Security for any Debt by way of Mortgage, duly registered according to the Provisions of the Acts in force relating thereto for the Time being.

Proviso for Assignment of Vessels.

Court may order Payment of Debts admitted to be due to Bankrupt;

229. If any Person examined as a Witness under Section One hundred and eighty-seven of this Act shall, in his Examination, signed as therein directed, and also in a separate Writing in the Form contained in the Schedule (A a.), admit that he is indebted to the Bankrupt in any Sum of Money upon the Balance of Accounts, it shall be lawful for the Court, if it think fit, to order that such Person shall forthwith, or at such Time and in such Manner as to the Court may seem expedient, pay the Amount so admitted, in full Discharge thereof, to the Trustee, together with the Costs of and incident to the Summons of such Person, if the Court think fit to award Costs, or the Court may, if it think fit, order the Trustee to pay the Costs of the Person summoned out of the Estate of the Bankrupt; and every such Order shall have the Effect of a Judgment in Her Majesty's Superior Courts of Common Law, and may be enforced accordingly; provided that if Part only of the Sum actually due be so admitted, or if the Court make an Part only of the Sum admitted, the Residue may be recoverable in the same Manner in all respects as if no such Admission or Order had been made.

such Order to have Effect of Judgment.

Concealing Bankrupt's Effects.

230. Any Person who shall wilfully conceal any Real or Personal Estate of the Bankrupt, and who shall not, within Forty-two Days after the filing of the Petition for Adjudication of Bankruptcy, discover such Estate to the Court or to the Trustee, shall forfeit the Sum of One hundred Pounds, and double the Value of the Estate so concealed; and any Person who shall after such Time voluntarily discover to the Court or to the Trustee any Part of such Bankrupt's Estate not before come to the Knowledge of the Trustees shall be allowed a Commission after the Rate of Five Pounds per Centum thereupon, and such further Reward as the Trustee, with the Consent of the Inspectors, shall think fit, to be paid out of the Estate recovered on such Discovery. Any latent Partner of a Firm which has been adjudged bankrupt not disclosing the Fact of his being Partner to the Trustee before the Day fixed for Examination of the other Partners shall not be entitled to the Benefit of the Act, unless

Allowance to Persons making Discovery.

Latent Partner.

unless he shall satisfy the Court that his Failure to make such Disclosure arose from Mistake or Ignorance of the Proceedings or of his Liability, and shall then adopt all necessary Steps to remedy the same.

Conveyances or Contracts by the Bankrupt.

Power of Court over certain Conveyances, &c. made by Bankrupt.

231. If any Bankrupt, being at the Time insolvent, shall (except upon the Marriage of any of his Children, or for some valuable Consideration,) have conveyed, assigned, or transferred to any of his Children, or to any other Person, any Hereditaments, Offices, Fees, Annuities, Leases, Goods or Chattels, or have delivered or made over to any such Person any Bills, Bonds, Notes, or other Securities, or have transferred his Debts to any other Person or into any other Person's Name, the Court shall have Power to order the same to be sold and disposed of for the Benefit of the Creditors under the Bankruptcy; and every such Sale shall be valid against the Bankrupt, and such Children and Persons, and against all Persons claiming under him.

Court may proceed when the Bankrupt by Fraud makes himself accountable to the Crown.

232. If any Real or Personal Estate or Debts of any Bankrupt be extended, after he shall have become bankrupt, by any Person, under Pretence of his being an Accountant of or Debtor to the Queen, the Court may examine upon Oath whether the said Debt was due to such Debtor or Accountant upon any Contract originally made between such Accountant and the Bankrupt; and if such Contract was originally made with any other Person than the said Debtor or Accountant, or in trust for any other Person, the Court may order such Real and Personal Estate or Debts to be sold, for the Benefit of the Creditors under the Bankruptcy, and such Sale shall be valid against the said Extent, and all Persons claiming under it; and any Person to whom the said Real and Personal Estate or Debts shall be sold by the Court shall have and may recover the same against any Person who shall detain the same.

Payments, Conveyances, Contracts, &c., Executions against Lands (if executed by Seizure), and against Goods (if executed by Seizure and Sale) to be valid, if no Notice of prior Act of Bankruptcy;

233. All Payments really and bonâ fide made by any Bankrupt, or by any Person on his Behalf, before the Date of the filing of a Petition for Adjudication of Bankruptcy, to any Creditor of such Bankrupt, and all Payments really and bonâ fide made to any Bankrupt before the Date of the filing of such Petition, and all Conveyances for valuable Consideration by any Bankrupt bonâ fide made and executed before the Date of the filing of such Petition, and all Contracts, Dealings, and Transactions by and with any Bankrupt really and bonâ fide made and entered into before the

Date of the filing of such Petition, and all Executions and Attachments against the Lands of any Bankrupt bonâ fide executed by Seizure, and all Executions and Attachments against the Goods and Chattels of any Bankrupt bonâ fide executed and levied by Seizure and Sale before the Date of the filing of such Petition, shall be deemed to be valid, notwithstanding any prior Act of Bankruptcy by such Bankrupt committed, provided the Person so dealing with or paying to or being paid by such Bankrupt, or to or with whom any such Conveyance, Contract, or other Transaction shall be made or entered into, or at whose Suit or on whose Account such Execution or Attachment shall have issued, had not at the Time of such Payment, Conveyance, Contract, Dealing, or Transaction, or at the Time of so executing or levying such Execution or Attachment, or at the Time of making any Sale thereunder, Notice of any prior Act of Bankruptcy by him committed on which Adjudication was or might have been at such Time made: Provided also, that nothing herein contained shall be deemed or taken to give Validity to any Payment or to any Delivery or Transfer of any Goods or Chattels made by any Bankrupt, being a fraudulent Preference of any Creditor of such Bankrupt, or to any Conveyance or Equitable Mortgage made or given by any Bankrupt by way of fraudulent Preference of any Creditor of such Bankrupt, or to any Execution founded on a Judgment on a Warrant of Attorney or Cognovit Actionem or Judge's Order obtained by Consent given by any Bankrupt by way of fraudulent Preference.

but nothing herein to give Validity to Payments, &c. by way of fraudulent Preference.

Bonâ fide Purchases not to be impeached by Notice of Acts of Bankruptcy, unless Petition be filed within Twelve Months after the Act of Bankruptcy.

234. No Purchase from or other Dealing with any Bankrupt bonâ fide and for valuable Consideration, where the Purchaser had Notice at the Time of such Purchase of an Act of Bankruptcy by such Bankrupt committed, shall be impeached by reason thereof, unless a Petition for Adjudication of Bankruptcy shall have been filed within Twelve Months after such Act of Bankruptcy.

Execution levied before filing Petition.

235. If any Execution is levied by Seizure of any of the Goods and Chattels of any Trader Debtor upon any Judgment recovered in any Action Personal for the Recovery of any Debt or Money Demand before a Petition for Adjudication of Bankruptcy is filed, the Sheriff or other Officer making the Levy shall proceed with the Execution, notwithstanding the filing of a Petition for Adjudication of Bankruptcy against the Debtor, and shall, at the End of Seven Days after the Sale, pay over the Proceeds, or so much as ought to be paid, to the Execution Creditor, who shall be entitled thereto, unless the Debtor be adjudged a Bankrupt

rupt within Fourteen Days from the Day of the Sale, in which Case the Money so received by the Creditor shall, after Deduction of the Costs and Expenses of such Action and Execution, be paid by him to the Trustee under the Bankruptcy, but the Sheriff or other Officer shall not incur any Liability by reason of anything done by him as aforesaid.

Distress not to be available for more than One Year's Rent due; Landlord to prove for the Residue.

236. No Distress for Rent made and levied after an Act of Bankruptcy upon the Goods or Effects of any Bankrupt, whether before or after the filing of the Petition for Adjudication of Bankruptcy, shall be available for more than One Year's Rent accrued prior to the Day of the filing of such Petition, but the Landlord or Person to whom the Rent shall be due shall be allowed to come in as a Creditor for the Overplus of the Rent due, and for which the Distress shall not be available.

Certain Warrants of Attorney, &c. given within Two Months of filing Petition to be null and void.

237. Every Warrant of Attorney to confess Judgment in any personal Action, given by any Bankrupt within Two Months of the filing of a Petition for Adjudication of Bankruptcy against such Bankrupt, and being for or in respect of (wholly or in part) an antecedent Debt or Money Demand, and every Cognovit Actionem or Consent to a Judge's Order for Judgment given by any Bankrupt, at any Time after the Commencement of this Act, and within Two Months of the filing of any such Petition in any Action commenced by Collusion with the Bankrupt, and not adversely, or purporting to have been given in an Action, but having been in fact given before the Commencement of any Action against the Bankrupt, such Bankrupt being unable to meet his Engagements at the Time of giving such Warrant of Attorney, Cognovit Actionem, or Consent (as the Case may be) shall be deemed and taken to be null and void, whether the same shall have been given by such Bankrupt in contemplation of Bankruptcy or not.

Petitioning Creditor compounding with Debtor after Bankruptcy.

238. If any Petitioning Creditor shall after the filing of his Petition receive any Money, Satisfaction, or Security for his Debt or any Part thereof, whereby such Petitioning Creditor may receive more in the Pound in respect of his Debts than the other Creditors, such Petitioning Creditor shall forfeit his whole Debt, and shall also repay or deliver up such Money, Satisfaction, or Security, or the full Value thereof, to the Trustee of such Bankrupt, for the Benefit of the Creditors of the Bankrupt.

Where Bankrupt is a Trustee, the Lord Chancellor may order

239. If any Bankrupt shall as Trustee be seised, possessed of, or entitled to, either alone or jointly, any Real or Personal Estate,

Conveyance or Assignment to another Trustee.

or any Interest secured upon or arising out of the same, or shall have standing in his Name as Trustee, either alone or jointly, any Government Stock, Funds, or Annuities, or any of the Stock of any public Company, either in England, Scotland, or Ireland, it shall be lawful for the Lord Chancellor, on the Petition of the Person entitled in possession to the Receipt of the Rents, Issues, and Profits, Dividends, Interest, or Produce thereof, on due Notice given to all other Persons (if any) interested therein, to order the Trustee in the Bankruptcy, and all Persons whose Act or Consent thereto is necessary, to convey, assign, or transfer the said Estate, Interest, Stock, Funds, or Annuities, to such Person as the Lord Chancellor shall think fit, upon the same Trusts as the said Estate, Interest, Stock, Funds, or Annuities were subject to before the Bankruptcy, or such of them as shall be then subsisting and capable of taking effect, and also to receive and pay over the Rents, Issues, and Profits, Dividends, Interest, or Produce thereof, as the Lord Chancellor shall direct.

Actions by or against Trustee.

Trustee may institute or defend Actions or Suits, and compound for Debts due to the Estate, or submit Disputes to Arbitration.

240. The Trustee shall not, except by Direction of the Creditors at a General Meeting, commence, prosecute, or defend any Action at Law or Suit in Equity which the Bankrupt might have commenced and prosecuted or defended, and in case such Direction is given the Costs to which he may be put in respect of such Suit or Action shall be allowed out of the Proceeds of the Estate and Effects of the Bankrupt. The Trustee may, with Consent of the Inspectors, take such reasonable Part of any Debts due to the Bankrupt's Estate as may by Composition be gotten, or may give Time or take Security for the Payment of such Debts, and may submit to Arbitration any Difference or Dispute between the Trustee and any other Person for or on account or by reason of anything relating to the Estate and Effects of the Bankrupt; and if the Trustee shall agree in manner aforesaid to refer any Matter in dispute to Arbitration, such Agreement of Reference may be made a Rule of the Court of Chancery, or of any of Her Majesty's Superior Courts of Law at Westminster, whether such Agreement contain a Clause to that Effect or not.

Reference to Arbitration may be made a Rule of Court.

Court may authorize Action in Name of Trustee and of the Partner of Bankrupt.

241. If any Member of a Firm be adjudged bankrupt, it shall be lawful for the Court to authorize the Trustee, upon his Application, under such Direction of the Creditors as aforesaid, to commence or prosecute any Action at Law or Suit in Equity, in the Name of such Trustees and of the remaining Partner, against any Debtor of the Partnership, and such Judgment, Decree, or Order may be obtained

obtained therein as if such Action or Suit had been instituted with the Consent of such Partner, and if such Partner shall execute any Release of the Debt or Demand for which such Action or Suit is instituted such Release shall be void; provided that every such Partner shall have Notice given him of such Application, and be at liberty to show Cause against it, and if no Benefit be claimed by him by virtue of the said Proceedings, shall be indemnified against the Payment of any Costs in respect of such Action or Suit, in such Manner as the Court may direct; and that it shall be lawful for such Court, upon the Application of such Partner, to direct that he may receive so much of the Proceeds of such Action or Suit as such Court shall direct.

Partner to have Notice and be at liberty to show Cause.

Court may direct Partner to have Part of Proceeds.

242. All Persons from whom the Trustee shall have recovered any Real or Personal Estate, either by Judgment or Decree, or who may have paid any Money into Court in any Action or Suit by the Trustee, are hereby discharged, in case the Adjudication in Bankruptcy be afterwards annulled, from all Demand which may thereafter be made in respect of the same by the Person against whom such Adjudication was made, and all Persons claiming under him; and all Persons who shall, without Action or Suit, bonâ fide deliver up Possession of any Real or Personal Estate to the Trustee, or pay any Debt claimed by him, are hereby discharged from all Claim of any such Person as aforesaid in respect of the same, or any Person claiming under him, provided the Persons so delivering up any Real or Personal Estate, or paying any Debt, shall not have had Notice of an Action, Suit, or other Proceeding to dispute or annul the Adjudication or Petition for Adjudication, and such Action, Suit, or other Proceeding shall not have been commenced and prosecuted within the Time and in Manner allowed by this Act.

If Adjudication be annulled, &c. Persons from whom the Trustee has recovered, &c. discharged from Claims by the Bankrupt.

243. When the Trustee is elected, or when a Trustee shall die or be removed and a new Trustee shall be appointed, no Action at Law or Suit in Equity commenced or prosecuted by the Interim Receiver or by the former Trustee shall be thereby abated, but the Court in which any Action or Suit is depending may, upon the Suggestion of such Election or of such Death or Removal and new Election, allow the Name of the new Trustee to be substituted in the Place of the former Trustee to the same Effect as if he had originally commenced the same.

Suits not to abate by Death or Removal of Trustee.

244. If the Trustee commence any Action or Suit for any Money due to the Bankrupt's Estate before the Time allowed for the Bankrupt to dispute the Bankruptcy shall have elapsed, any Defendant in any such Action or Suit shall be entitled, after Notice given

If Trustee commences Action before Time allowed to dispute the Bankruptcy

has elapsed. Debtor to Estate may pay Money into Court.

given to the Trustee, to pay the same or any Part thereof into the Court in which such Action or Suit is brought, and all Proceedings with respect to the Money so paid into Court shall thereupon be stayed until such Time shall have elapsed; and if within that Time the Bankrupt shall not have commenced such Action, Suit, or other Proceeding as allowed by this Act, and prosecuted the same with due Diligence, the Money shall be paid out of Court to the Trustee, but otherwise shall abide the Event of such Action, Suit, or other Proceeding, and upon such Event shall be paid out of Court, either to the Trustee or the Person adjudged bankrupt, as the Court shall direct; and after such Payment of Money so made into Court it shall not be lawful for the Person so adjudged bankrupt to proceed against the Defendant for Recovery of the same Money.

Limitation of Actions.

General Issue.

245. Every Action brought against any Person for anything done in pursuance of this Act shall be commenced within Three Months next after the Fact committed; and the Defendant in any such Action may plead the General Issue, and give this Act and the special Matter in Evidence at the Trial, and that the same was done by Authority of this Act; and if it shall appear so to have been done, or that such Action was commenced after the Time limited as aforesaid for bringing the same, the Jury shall find for the Defendant; and if there be a Verdict for the Defendant, or if the Plaintiff shall be nonsuited, or discontinue his Action or Suit, after Appearance thereto, or if upon Demurrer Judgment shall be given against the Plaintiff, the Defendant shall receive all his Costs, Charges, and Expenses incurred in and about such Action which shall be taxed by the proper Officer in that Behalf, subject to be reviewed in like Manner and by the same Authority as any other Taxation of Costs by such Officer.

Costs.

In Actions no Proof required of Petitioning Creditor's Debt, Trading, or Act of Bankruptcy, unless Notice be given.

246. In any Action, whether at the Suit of or against the Trustee, or against any Person acting under the Warrant of the Court, for anything done under such Warrant, no Proof shall be required, at the Trial, of the Petitioning Creditor's Debt, or of the Trading or Act of Bankruptcy respectively, unless the other Party in such Action shall, if Defendant at or before pleading, and if Plaintiff before Issue joined, give Notice in Writing to such Trustee or other Person that he intends to dispute some and which of such Matters; and in case such Notice shall have been given, if such Trustee or other Person shall prove the Matter so disputed, or the other Party admit the same, the Judge before whom the Cause shall be tried may (if he think fit) grant a Certificate of such Proof or Admission; and such Trustee or other Person shall be entitled to the Costs occasioned by such Notice.

247. In

247. In all Suits in Equity, whether at the Suit of or against the Trustee, no Proof shall be required at the Hearing of the Petitioning Creditor's Debt, or of the Trading or Act of Bankruptcy respectively, as against any of the Parties in such Suit, except such Parties as shall within Ten Days after Rejoinder give Notice in Writing to the Trustee of their Intention to dispute some and which of such Matters; and where such Notice shall have been given, if the Trustee shall prove the Matter so disputed, the Costs occasioned by such Notice shall, if the Court see fit, be paid by the Parties so giving such Notice, and the Service of such Notice may be proved by Affidavit upon the Hearing of the Cause. The same in Suits in Equity.

Payments to be made in priority.

248. The Trustee out of the Estate and Effects of the Bankrupt shall pay all such Parochial Rates as may be due from him at the Time of his being adjudicated a Bankrupt; provided such Rates have become due during the *Twelve Months* immediately preceding the Bankruptcy, and all Duties of Assessed Taxes assessed on the Bankrupt at the Time of his Bankruptcy up to the *Fifth Day of April* next after the same shall have happened (such Payment not exceeding in the whole One Year's Assessment); and the Bankrupt shall not be liable to be assessed to such Duties after the said *Fifth Day of April* in respect of any Article kept and used for the Purposes of Trade at or before the Time of the Bankruptcy, which Article shall have been seized and surrendered and bonâ fide sold under the Bankruptcy, and not kept or used by the Bankrupt after the said *Fifth Day of April*. One Year's Parochial Rates to be paid in full. Payment of Assessed Taxes.

249. The Trustee in the Bankruptcy of any Person appointed to or employed in any Office in any Society established under any of the Acts relating to Friendly Societies, and being entrusted with the keeping of the Accounts, or having in his Hands or Possession, by virtue of his Office or Employment, any Monies or Effects belonging to such Society, or any Deeds or Securities relating to the same, shall, upon Application made by the Order of any such Society or any Committee thereof, or the major Part of them assembled at any Meeting thereof, pay and deliver over to such Society, or to such Person as such Society or Committee may appoint, all Monies and other Things belonging to such Society, and shall also pay out of the Estate and Effects of the Bankrupt, before any other of his Debts are paid and satisfied, all Sums of Money remaining due which the Bankrupt received by virtue of his said Office or Employment. Monies belonging to any Friendly Society.

Three Months Wages or Salary to Clerks or Servants.

250. The Trustee shall pay any Salary or Wages due by the Bankrupt at the Time of filing the Petition for Adjudication of Bankruptcy to any Clerk, Servant, Workman, or Labourer of such Bankrupt to an Amount not exceeding *Three Months* Wages or Salary, and not exceeding *Thirty Pounds* in the Case of such Clerk or Servant, and not exceeding *Forty Shillings*, in the Case of such Labourer or Workman; and any such Clerk, Servant, Labourer, or Workman shall be at liberty to prove for any Sum exceeding such Amount.

Wages not exceeding 40*s.* to Labourer or Workman.

Apprentices to Bankrupts discharged from their Indentures.

251. Adjudication of Bankruptcy shall be a complete Discharge of the Indenture whereby any Apprentice was bound to the Bankrupt; and if any Sum shall have been really and bonâ fide paid, by or on the Behalf of such Apprentice, to the Bankrupt, as an Apprentice Fee, it shall be lawful for the Court, upon Proof thereof, to order any Sum to be paid out of the Estate of the said Bankrupt, to or for the Use of such Apprentice, which such Court shall think reasonable, regard being had, in estimating such Sum, to the Amount of the Sum so paid by or on behalf of such Apprentice, and to the Time during which such Apprentice shall have resided with the Bankrupt previous to the Adjudication.

Sum to be paid in respect of Apprentice Fees.

Payment of Dividend.

Trustee to make up and exhibit to Inspectors Statement of Funds.

252. Immediately on the Expiration of *Five Months* from the Date of the Adjudication, the Trustee shall make up a Statement of the whole Estate of the Bankrupt, of the Funds recovered by him, and of the Property outstanding (specifying the Cause why it has not been recovered), and also an Account of his Disbursements, and of the Dates at which he has deposited the Funds in Bank, and generally of his Management; and within *Ten Days* after the Expiration of the said *Five Months* the Inspectors shall meet, and examine such Statement and Account, and ascertain whether the Trustee has duly deposited the Monies recovered by him in Bank or not, and if he has failed to do so they shall debit him with a Sum at the Rate of *Twenty Pounds* on every Hundred Pounds not so deposited, and so after that Rate on any larger or smaller Sum, being not less than *Fifty Pounds;* and they shall audit his Accounts, and settle the Amount of his Commission on the Assets recovered, and authorize him to take Credit for such Commission in his Accounts with the Estate; and they shall certify by a Writing under their Hands, engrossed or copied in the Minute Book, the Balance due to or by the Trustee in his Account with the Estate as at the Expiration of the said *Five Months;* and they shall declare whether any and what Part of the net Produce of the Estate,

Inspectors to resolve as to Payment of Dividend, &c.

Estate, after making a reasonable Deduction for future Contingencies, shall be divided among the Creditors.

Trustee to examine and reject or admit Claims, and make up List of Creditors entitled to Payment of Dividend;

253. The Trustee shall also within the said *Ten Days* make out a complete List of the Creditors who have within the said *Five Months* after the Adjudication tendered Proofs of their Debts and been admitted as entitled to draw a Dividend, specifying the Amount of their Debts, and distinguishing whether they are ordinary Creditors or preferable or contingent, and he shall make up a separate List of any Creditors whose Claims he has rejected in whole or in part; and he shall immediately give Notice in the Gazette of the Time and Place of the Payment of the Dividend, and also notify the same by Letters put into the Post Office on or before the last of the said *Ten Days*, addressed to each Creditor, in which he shall specify the Amount of his Proof as admitted, and when he has rejected any Proof he shall notify the same to the Claimant by Letter as aforesaid, which Letter shall also contain a Copy of the Grounds of such Rejection, and specify the Amount of the Claim; and a Certificate by the Trustee that such Letters have been put into the Post Office shall be sufficient Evidence thereof; and if any Party who has tendered a Proof be dissatisfied with the Decision of the Trustee, either in rejecting it or in admitting any other Proof, and whether in whole or in part, he may appeal to the Court, but if no such Appeal be filed before the Expiration of Ten Days from the Date of the posting of such Letters the Decision of the Trustee shall be final and conclusive so far as regards that Dividend, and if on Appeal the Proof be rejected it shall not be tendered again for any subsequent Dividend; but in case the Proof have been rejected by the Trustee, and Appeal not taken, such Decision shall be without Prejudice to any new Proof being afterwards tendered in reference to future Dividends, but which new Proof shall not disturb prior Dividends.

and to publish and send Notices of Payment of Dividend.

Creditors may appeal within a limited Period.

Trustee to make up a Statement of Division.

254. The Trustee shall, before the Expiration of *Six Months* from the Date of the Adjudication, make up a Statement of Division of the Fund directed by the Inspectors to be divided, and apportion the same, according to their respective Rights, among those Creditors whose Proofs have been tendered prior to the Expiration of the said *Five Months* after the Adjudication, and admitted by him or by the Court, or whose Appeal is not yet decided, or who being stated as Creditors in the Bankrupt's List of Creditors, or believed by the Trustee to be Creditors, shall be known or believed by the Trustee to have been out of the United Kingdom from the Date of the Adjudication being advertised in the Gazette, and till the Period for tendering Proofs for the Dividend;

and such Statement shall be open to all concerned, and the Trustee shall send Notice to each Creditor of the Amount of the Dividend to which he may be entitled, and of the Time and Place for Payment of the Dividends.

Dividends to be paid, and those disputed or claimed by contingent Creditors to be lodged in Bank.

255. On the First Day after the Expiration of *Six Months* from the Date of the Adjudication, and at the Place appointed, the Trustee shall pay to the Creditors the Dividends allotted to them respectively in Terms of the said Statement; and he shall deposit the Dividends apportioned to those Claims which are under Appeal, but not finally determined, and the Dividends apportioned to contingent or absent Creditors or other Claimants, not then entitled to receive the same, in the Bank appointed by the Creditors, or in default of such Appointment in the Bank of England to a separate Account, or if the Money be already deposited in Bank, he shall transfer it to a separate Account, and all such Accounts shall be in Name of himself and the Inspectors, and the said Dividends shall remain therein until the said Appeals be disposed of or the Dividends become payable.

Trustee to make up Statement, &c., and Inspectors to resolve as in case of First Dividend.

256. On the Expiration of *Eight Months* from the Date of the Adjudication, the Trustee shall again make up a Statement as herein-before provided, which he shall, within *Ten Days* after the Expiration of the said *Eight Months*, exhibit to the Inspectors, who shall meet and examine and audit the same, and perform the other Acts and Duties incumbent on them, in manner before specified, and direct a Second Dividend to be paid, if there shall be Funds to pay the same; and if the Inspectors shall direct a Dividend to be paid, the Trustee shall also make up Lists of the Creditors who are entitled and who are not entitled to Payment of the Dividend, and frame a Statement of Division, and give Notice thereof in the Gazette and by Letters, and any Creditor may appeal, all as is herein-before provided with respect to the First Dividend; and on the First Day after the Expiration of *Nine Months* from the Date of the Adjudication, the Trustee shall make Payment of the Second Dividend to those Creditors who are entitled thereto, and shall deposit the Dividends disputed or not then payable, all as herein-before provided with respect to the First Dividend.

Same Proceedings as in prior Dividends.

257. The like Procedure shall be followed out as to subsequent Dividends at similar Intervals of Time thereafter, in order that a Dividend may be made on the First Day after the Expiration of every *Three Months* from the Day of Payment of the immediately preceding Dividend, until the whole Funds of the Bankrupt shall be divided.

258. After

Dividends may be accelerated in certain Cases.

258. After the Second Dividend is made, a Majority of the Creditors, at any General Meeting called for the Purpose, may determine that future Dividends shall be made at shorter Intervals, and the Affairs of the Estate brought to a more speedy Close; and even before the Period assigned for the First Dividend as aforesaid, it shall be lawful for *Three Fourths* in Number and Value of the Creditors present at the Meeting after the Bankrupt's Examination, or at any subsequent Meeting called for the Purpose, to direct the Trustee to apply to the Court for Authority to make the First Dividend at an earlier Period than the Expiration of *Six Months* from the Date of the Adjudication, but not earlier than *Four Months* from such Date, if upon Cause shown it shall be found expedient so to do, and also to accelerate the Time for making the Second and other Dividends; and when the Court shall upon such Application accelerate the First or any subsequent Dividend, which it is hereby empowered to do, it shall also make the requisite Provision for the Acceleration of any other Matters which it may find it necessary to accelerate in consequence thereof.

Proceedings when Inspectors postpone the Dividend.

259. If it shall appear to the Inspectors that a Dividend ought to be postponed, they may do so till the Recurrence of another stated Period for making a Dividend, and they shall authorize the Trustee to give a Notice to that Effect in the next Gazette.

Where Estate is chiefly Land Periods of Payment may be altered.

260. In Cases where the Bankrupt Estate consists chiefly of Land, and in any other Cases where it may be necessary, it shall be lawful for the Court, on a special Application by the Trustee and Inspectors, to authorize such Alteration in the Periods above mentioned for Payment of Dividends as shall be found most suitable to the Circumstances of the Case.

Creditors proving before Second Dividend entitled to receive Equivalent for First Dividend.

261. If a Creditor has not tendered his Proof in Time to share in the First Dividend, but has done so in Time to share in the Second Dividend, and his Proof has been admitted, he shall be entitled, on Occasion of Payment of the Second Dividend, to receive in the first place (if there be sufficient for that Purpose) an equalizing Dividend corresponding to the Dividend he would have drawn if he had claimed in Time for the First Dividend; and the same Rule shall apply as to all subsequent Dividends.

Creditor resident abroad may prove at later Periods.

262. When the Dividend of any Creditor not resident within the United Kingdom at the Date of the Adjudication and prior to

the Time of Payment shall have been reserved, it shall be paid to him on Tender and Admission of his Proof: Provided that if no Proof in respect of such Debt be tendered within *Eight Months* after the Adjudication, the Trustee or any Creditor may apply to the Court to order such reserved Dividend to be distributed among the Creditors who have proved. Sums reserved on account of Dividends of Creditors who have appealed shall, on Dismissal of the Appeal, form Part of the Fund for Division among the Creditors entitled to share in the next Dividend.

No Action to be brought for Dividends, but the Remedy to be by Application to the Court.

263. No Action for any Dividend shall be brought against any Trustee by any Creditor who shall have proved under the Bankruptcy; but if the Trustee refuse to pay any such Dividend, the Court may order Payment thereof, with Interest for the Time that it shall have been withheld, and may also order the Costs of the Application.

Unclaimed Dividends.

264. All unclaimed Dividends, and all Monies unclaimed, the Produce of any Bankrupt's Estate, shall, before the Discharge of the Trustee, be paid or transferred by the Trustee to the Credit of "The Unclaimed Dividend Account," and shall be subject to the Order of the Court for the Payment thereout of any Dividend due to any Creditor, but without Interest on such Dividend, or for the Distribution of any such other unclaimed Money; and the Interest and Profit arising from the said Account shall from Time to Time be paid over to the Account of the Chief Registrar; and a Book shall be kept in the Office of the Comptroller, entitled "Register of Unclaimed Dividends," containing a List, with the Names arranged alphabetically, of all Creditors entitled thereto, which shall be open to all Persons; and on any Order of the Court for Payment of any such Dividends, a Copy of such Order shall be transmitted by the Registrar to the Comptroller, who shall correct the said Register accordingly.

Surplus to be paid to Bankrupt.

265. Any Surplus of the Bankrupt's Estate and Effects which may remain after Payment of his Debts, with such Interest thereon as might have been included in the Proof, and the Charges of recovering and distributing the Estate, shall be paid to the Bankrupt, his Heirs, Executors, Administrators, or Assigns; and on such Payment in full of Debts, Interest, and Charges, the Bankrupt may apply to the Court for an Order revesting the unsold Portion of the Estate in him, and by such Order it shall be revested in him to the same Effect as if he had never been bankrupt.

Allowances to the Bankrupt.

Allowance to Bankrupt for Maintenance.

266. It shall be lawful for Four Fifths of the Creditors present at any Meeting, if they think fit, from Time to Time to make such Allowance to the Bankrupt out of his Estate, until the Time fixed for Payment of the Second Dividend, as shall be necessary for the Support of himself and his Family: Provided always, that no such Allowance shall be made unless he has complied with the Provisions of this Act, and that no such Allowance shall exceed the Rate of *Three Pounds Three Shillings* per Week.

Allowance to Bankrupt on Discharge.

267. Every Bankrupt who shall have obtained his Discharge, if the net Produce of his Estate in hand shall (with any prior Dividend) pay the Creditors who before or at the Time of making such Order have proved under the Bankruptcy *Ten Shillings* in the Pound, shall be allowed and paid *Five Pounds* per Centum out of such Produce, provided such Allowance shall not exceed *Four hundred Pounds;* and every such Bankrupt, if such Produce shall (with or without prior Dividend) pay such Creditors *Twelve Shillings and Sixpence* in the Pound, shall be allowed and paid as aforesaid *Seven Pounds Ten Shillings* per Centum, provided such Allowance shall not exceed *Five hundred Pounds;* and every such Bankrupt, if such Produce shall (with or without prior Dividend) pay such Creditors *Fifteen Shillings* in the Pound or upwards, shall be allowed and paid *Ten Pounds* per Centum, provided such Allowance shall not exceed *Six hundred Pounds:* Provided always, that no such Allowance shall be payable to any Bankrupt until after the Expiration of *Twelve Months* from the filing of the Petition for Adjudication of Bankruptcy, and such Allowance shall then be payable only in the event of the Dividends paid to the Creditors who at any Time before the Expiration of such *Twelve Months* shall have proved Debts being of the requisite Amount in that Behalf aforesaid; and if at the Expiration of such Time the Dividends paid shall not amount to *Ten Shillings* in the Pound, it shall be lawful for the Court to allow such Bankrupt so much as the Assignees and Court shall think fit, not exceeding *Three Pounds* per Centum and *Three hundred Pounds.*

One Partner may receive Allowance although other not entitled.

268. In all joint Petitions for Adjudication of Bankruptcy under which any Partner shall have obtained his Discharge, if a sufficient Dividend have been paid upon the joint Estate and upon the separate Estate of such Partner, he shall be entitled to his Allowance, although the other Partner may not be entitled to any Allowance.

Bankrupt's Discharge.

Proceedings for Bankrupt's Discharge.

269. The Bankrupt may at any Time after the Expiration of *Four Months* after the Adjudication petition the Court to be finally discharged of all Debts contracted by him before the Date of the Adjudication, provided that along with such Petition he shall file a Certificate by the Trustee that he has duly attended the Examination and made a full Discovery and Surrender of his Estate, and given all the Assistance in his Power in its Realization, and that Assets have been realized or Payments made by or on behalf of the Bankrupt sufficient to pay a Dividend of Six Shillings and Eightpence in the Pound on all the Debts or Liabilities then proved or contained in the Bankrupt's Statement of his Accounts or believed by the Trustee to be due, and that no Prosecution has been instituted against the Bankrupt under this Act, or if instituted that he has been acquitted; and the Court shall order Notice of the Petition to be given in the Gazette and by Letter to each Creditor; and if, at the Distance of not less than *Twenty-one Days* from the Publication of such Notice in the Gazette, and on the Certificate being produced as aforesaid, there be no Appearance to oppose the Petition, the Court shall grant a Discharge; but if Appearance be made by any of the Creditors or by the Trustee, the Court shall judge of any Objections against granting the Discharge, and shall either grant or refuse the Discharge, or defer the Consideration of the same for such Period as it may think proper; provided that if the Bankrupt shall not file the Certificate by the Trustee aforesaid, or if the Certificate shall not state any of the Particulars herein-before required, it shall be lawful for the Bankrupt to state in his Petition the Reason why such Certificate is not filed or is defective, and to adduce Evidence in support of such Statement; and if the Court shall be satisfied that the Bankrupt has substantially performed all that is required to be set forth in such Certificate, it may grant the Discharge: Provided also, that no Objection shall be admitted as a valid Ground for refusing to grant such Discharge, unless it shall be thereby established to the Satisfaction of the Court that the Bankrupt has not substantially performed all that is required to be set forth in such Certificate as aforesaid, or that a Prosecution is pending or is about to be instituted against the Bankrupt under this Act.

Discharge after Six Years.

270. After the Expiration of *Six Years* from the Date of the Adjudication, the Bankrupt may apply for and the Court may grant his Discharge although his Estate shall not have paid Six Shillings and Eightpence in the Pound, as herein-before required, provided he shall in all other respects comply with the Requisites herein-before made necessary to entitle him to his Discharge.

271. The

Rehearing of Order of Discharge.

271. The Order of Discharge shall not be reviewed by the Court unless the Court see good Cause to believe that the Order was obtained on false Evidence, or by reason of the Suppression of Evidence, or otherwise fraudulently; in any of which Cases the Court may, if it think fit, upon the Application of the Bankrupt or of a Creditor who has proved, and subject to such Deposit for Costs, and to such Notices, by Advertisement or otherwise, as the Court shall think fit, grant a Rehearing of the Matter, and rehear it accordingly; and upon Rehearing the Court shall make such Order as shall seem just, like in Manner as it might upon an original Hearing.

If Order suspended on Rehearing, subsequent Creditors to prove first against subsequent Property.

272. If on such Rehearing the Court shall annul or suspend the Order of Discharge, all Persons having bonâ fide become Creditors of the Bankrupt between the Time of the Order originally taking effect and the Time of its being annulled or suspended on Rehearing shall, as against any Property acquired by the Bankrupt during the same Period, and in priority to the original Creditors, be admitted to prove and have Dividends under the Bankruptcy.

Order, when to be drawn up.

273. The Order of Discharge shall not be drawn up until after the Expiration of the Time allowed for Appeal, or, if an Appeal be brought, until after the Decision of the Court of Appeal upon such Appeal, and shall bear Date either the Day after the Expiration of the Time allowed for Appeal, or the Day of the Decision of the Court of Appeal, as the Case may require.

Appeal against Decision.

274. At any Time within *Thirty Days* after any Order of Discharge shall have been allowed or refused, and subject to such Order as to Deposit of Costs as General Orders shall direct, any Creditor of the Bankrupt, whether he appeared to object to such Discharge before the Court or not, or the Trustee, or the Bankrupt, may apply to the Court of Appeal that such Order of Discharge may be granted, or recalled and delivered up to be cancelled; and such Court may, on good Cause shown, order such Order of Discharge to be granted, or to be recalled and cancelled.

Effect of Discharge.

275. The Order of Discharge shall, upon taking effect, discharge the Bankrupt from all Debts, Claims, or Demands proveable under his Bankruptcy, and although he may, after Adjudication, have made any Contract, Promise, or Agreement to pay or perform the same, save as herein otherwise provided; and if thereafter any Action shall be brought against him for any such Debt, Claim, or Demand, he may plead in general that the Cause of Action accrued before he became bankrupt, or pending Proceedings in Bankruptcy, and may give this Act and the special Matter in Evidence; and the

Order of Discharge shall be sufficient Evidence of the Bankruptcy, and the Proceedings precedent to the Order of Discharge.

If Trustee indebted to Bankrupt's Estate become bankrupt, his Discharge shall not discharge his future Effects in respect of such Debt.

276. If any Trustee indebted to the Estate of which he is such Trustee in respect of Money, being Part of the Estate of the Bankrupt, retained or employed by him, become bankrupt, and obtain his Discharge, his future Effects (his Tools of Trade, necessary Household Goods, and the necessary Wearing Apparel of himself, his Wife and Children, excepted,) shall remain liable for so much of his Debt to the Estate of which he was Trustee as shall not be paid by Dividends under his Bankruptcy, and for Interest at the Rate of *Five per Centum* per Annum on the whole Debt.

Effect of Order in case of Partners, &c.

277. The Order of Discharge shall not release or discharge any Person who was a Partner with the Bankrupt at the Time of the Bankruptcy, or was then jointly bound, or had made any joint Contract with him.

Contract or Security with Intent to induce Creditor to forbear Opposition.

278. Any Contract, Covenant, or Security made or given by a Bankrupt or other Person, with, to, or in trust for any Creditor, for securing the Payment of any Money as a Consideration or with Intent to persuade the Creditor to forbear opposing the Order for Discharge, or to forbear to petition for a Rehearing of or to appeal against the same, shall be void, and any Money thereby secured or agreed to be paid shall not be recoverable, and the Party sued on any such Contract or Security may plead in general that the Cause of Action accrued pending Proceedings in Bankruptcy, and may give this Act and the special Matter in Evidence: Provided always, that no such Security, if a negotiable Security, shall be void as against a bonâ fide Holder thereof for Value without Notice of the Consideration for which it was given.

Proviso.

Penalty for obtaining Money, Goods, &c. as an Inducement to forbear Opposition to Discharge.

279. If any Creditor of a Bankrupt shall obtain any Sum of Money, or any Goods, Chattels, or Security for Money, from any Person, as an Inducement for forbearing to oppose the Discharge of such Bankrupt, or to forbear to petition for the Recal of the same, every such Creditor so offending shall forfeit and lose for every such Offence the treble Value or Amount of such Money, Goods, Chattels, or Security so obtained.

Trustee's Discharge.

Proceedings for Trustee's Discharge.

280. After a final Division of the Funds, the Trustee shall call a Meeting of the Creditors, by an Advertisement in the Gazette, to be held not sooner than *Twenty-one Days* after such Publication, specifying

specifying the Time, Place, and Purpose of holding the Meeting, and by Letters addressed by Post to every Creditor who has proved as aforesaid, to consider as to an Application for his Discharge, and at such Meeting he shall lay before the Creditors the Minute Book and Accounts, with a List of unclaimed Dividends, if any, and the Creditors may then declare their Opinion of his Conduct as Trustee, and he shall thereafter transmit the Minute Book to the Comptroller, who shall preserve the same, and make a Report to the Court as to the Conduct of the Trustee, and the Trustee may then apply to the Court, who, on considering the Petition, with the Minutes of the Meeting, and like Report by the Comptroller, and hearing any Creditor, may grant or refuse his Discharge; and a certified Copy of the Order shall forthwith be transmitted by the Registrar to the Comptroller, and shall be entered in the Register of Bankruptcies, and on Discharge being granted the Bond of Security for the Trustee shall be delivered up.

Change from Bankruptcy to Arrangement.

Creditors may resolve that Estate ought to be wound up under Deed of Arrangement, &c.

281. At the First Meeting of Creditors held after Adjudication in manner herein provided, or at any Meeting called for the Purpose, *Three Fourths* in Number and Value of the Creditors present or represented at such Meeting, being also *Three Fourths* of the Creditors who have at that Date proved their Debts, may resolve that the Estate ought to be wound up under a Deed of Arrangement, Composition, or otherwise, and that an Application shall be made to the Court to stay Proceedings in the Bankruptcy for such Period as the Court shall think fit, not exceeding Two Months, and on such Resolution being carried it shall not be necessary to elect a Trustee and Inspectors.

Resolution to be reported to the Court.

282. The Registrar, if present, or Chairman of the Meeting, or the Trustee, if appointed, shall report such Resolution to the Court within *Four Days* from the Date of such Resolution; and the Bankrupt, or any Creditor nominated in that Behalf by the Meeting, may then apply to the Court that the Proceedings in Bankruptcy may be stayed in the Terms of such Resolution; and the Court, after hearing the Bankrupt, and such Creditors as may desire to be heard for or against the Resolution, and if it shall find that the Resolution was duly carried, and that its Terms are reasonable, and calculated to benefit the general Body of the Creditors under the Estate, shall confirm the same, and make Order accordingly, and in such Order, or in any subsequent Order, shall give such Directions as to the interim Management of the Estate as it shall deem expedient.

Power to Court to confirm.

 283. If

Court to make a Declaration of complete Execution of Deed of Arrangement, and to direct it to be registered; and to annul Bankruptcy.

283. If the Proceedings in Bankruptcy be stayed as herein provided, the Bankrupt, or any Creditor nominated in that Behalf by the Meeting aforesaid, may, at any Time within the Period during which the Proceedings are so stayed, produce to the Court a Deed of Arrangement, signed by or on behalf of *Three Fourths* in Number and Value, computed in like Manner as is herein-before directed for the Purpose of voting for the Election of Trustee, of all the Creditors of the Bankrupt, together with the Declarations of such Creditors tendered in proof of their Debts; and the Court may consider the same, and may examine on Oath the Bankrupt and any of the Creditors who may desire to be heard in support of or in opposition to the Deed, and may make such other Inquiry as it may think necessary; and if the Court shall be satisfied that the Deed has been duly entered into and executed, and that its Terms are reasonable, and calculated to benefit the general Body of the Creditors under the Estate, it may by Order make a Declaration of the complete Execution of the Deed, and shall direct the same to be registered with the Chief Registrar, and shall also, if it thinks fit, annul the Bankruptcy; and such Deed, on being so registered, shall thereafter be as binding in all respects on any Creditor who has not executed the Deed as if he had executed it.

Deed, if so registered, to be binding on Creditors not executing.

Court to have Jurisdiction to entertain Applications of Bankrupt or any Party to the Deed respecting Bankrupt's Estate and Affairs.

284. Either before or after such Order, the Court shall have Jurisdiction to entertain any Application of the Bankrupt, or of any Party to the Deed, or of any Creditor or Person claiming to be a Creditor, or of the Comptroller, respecting the Disclosure, Distribution, Inspection, Conduct, Management, or Winding-up of the Bankrupt's Estate and Affairs, or any Act or Thing relating thereto, or respecting the Execution of any of the Trusts or Provision of the Deed, or the Audit or Examination of the Account of a Trustee or Inspector, or the Taxation or Examination of the Costs or Charges of any Attorney, Solicitor, Accountant, Auctioneer, Broker, or other Person acting or employed under the Deed, or generally for the Decision of any Dispute or Question, and shall in the Exercise of such Jurisdiction have the same Powers over all Persons, whether Parties to the Deed or Creditors or others, as if the Bankruptcy had proceeded, and shall also have Jurisdiction to entertain any Application of any such Person as aforesaid respecting any Matter for the Submission whereof to the Court Provision is made by the Deed, or any Matter arising between any of the said Persons, and any other Person appearing and submitting to the Jurisdiction of the Court; and the Court shall determine all Questions arising under the Deed according to the Law and Practice in Bankruptcy, so far as they may be applicable, and on entertaining any such Application

Questions under the Deed to be decided according to

Application shall have Power to make all such Orders as shall seem just, and to enforce all such Orders as in Bankruptcy; and the Comptroller shall have all the Powers in reference to Proceedings or Persons acting under any such Deed as in reference to Proceedings or Trustees in Bankruptcy. Law of Bankruptcy.

285. If the Resolution aforesaid shall not be duly reported, or if the Court shall refuse the Application to stay Proceedings, or if the Deed of Arrangement shall not be duly produced, or if upon its Production the Court shall not think fit to approve thereof, the Bankruptcy shall proceed as though no such Resolution had been passed; and the Court may make all necessary Orders for resuming the Proceedings in Bankruptcy; and the Period of Time which shall have elapsed between the Date of such Resolution and the Date of the Order for resuming Proceedings shall not be reckoned in calculating Periods of Time prescribed by this Act. Where Bankruptcy to proceed as if no Resolution had been passed.

286. If the Bankruptcy be annulled, as herein provided, the Order annulling the same shall be filed with the Proceedings, and Notice thereof shall be given in the Gazette; and the Trustee, if appointed, shall be entitled to his Discharge in the same Manner as if the Bankruptcy had proceeded. Where Bankruptcy annulled.

Trust Deeds for Benefit of Creditors, Composition and Inspectorship Deeds.

287. Every Deed or Instrument made or entered into between a Debtor not adjudged bankrupt and his Creditors, or any of them, or a Trustee on their Behalf, relating to the Debts or Liabilities of the Debtor, and his Release therefrom, or the Distribution, Inspection, Management, and Winding-up of his Estate, or any of such Matters, shall be as valid and effectual and binding on all the Creditors of such Debtor as if they were Parties to and had duly executed the same, provided the following Conditions be observed; that is to say, What Deeds to be valid, and upon what Conditions.

1. A Majority in Number representing *Three Fourths* in Value of the Creditors of such Debtor whose Debts shall respectively amount to *Ten Pounds* and upwards shall, before or after the Execution thereof by the Debtor, in Writing assent to or approve of such Deed or Instrument: Such Debts shall be computed and proved in the same Manner as they would have been computed and proved for the Purpose of drawing Dividends if the Debtor had been adjudged bankrupt; and for the Purpose of such Proof the Trustee or Trustees under the

Deed shall exercise the Powers of the Trustee in Bankruptcy, and his or their Decisions shall be subject to Appeal in like Manner to the Court of Bankruptcy for the District in which a Petition for Adjudication of Bankruptcy against the Debtor might have been filed :

2. If a Trustee or Trustees be appointed by such Deed or Instrument, such Trustee or Trustees shall execute the same :

3. The Execution of such Deed or Instrument by the Debtor shall be attested by an Attorney or Solicitor :

4. Within *Twenty-eight* Days from the Day of the Execution of such Deed or Instrument by the Debtor the same shall be produced and left (having been first duly stamped) at the Office of the Chief Registrar, for the Purpose of being registered :

5. Together with such Deed or Instrument there shall be delivered to the Chief Registrar an Affidavit by the Debtor or some Person able to depose thereto, or a Certificate by the Trustee or Trustees, that a Majority in Number, representing *Three Fourths* in Value, of the Creditors of the Debtor whose Debts amount to *Ten Pounds* or upwards have in Writing assented to or approved of such Deed or Instrument, and also stating the Amount or Value, so far as ascertained or as can be estimated, of the Property and Credits of the Debtor comprised in such Deed : The written Assent or Approval of the Creditors, together with their Declarations tendered in Proof, shall be delivered to the Registrar along with such Affidavit or Certificate :

6. Such Deed or Instrument shall, before Registration, bear the ordinary Stamp Duty, and also an ad valorem Stamp Duty, computed at the Rate of *Five Shillings* upon every Hundred Pounds or Fraction of a Hundred Pounds of the Amount in Value of the Property so sworn or certified to be comprised in such Deed, but not exceeding a maximum Duty of *Two hundred Pounds :*

7. Immediately on the Execution thereof by the Debtor, Possession of all the Property comprised therein, of which the Debtor can give or order Possession, shall be given to the Trustees.

Particulars of Deed to be entered by the Chief Registrar.

288. The Date, Names, and Descriptions of the Parties to every such Deed or Instrument, not including the Creditors, together with a short Statement of the Nature and Effect thereof, shall be entered by the Chief Registrar in a Book to be kept exclusively for the Purposes of such Registration. Such Entry shall be made within

within Forty-eight Hours after the Deed shall have been left with the Registrar as aforesaid, and a Copy of such Entry shall be published in the Gazette within Four Days after the making of such Entry.

Copy of Entry to be published in the Gazette.

289. Every Deed, Instrument, or Agreement whatsoever, by which a Debtor, not being a Bankrupt, conveys, or covenants or agrees to convey, his Estate and Effects, or the principal Part thereof, for the Benefit of his Creditors, or makes any Arrangement or Agreement with his Creditors, or any Person on their Behalf, for the Distribution, Inspection, Conduct, Management, or Winding-up of his Affairs or Estate, or the Release or Discharge of such Debtor from his Debts or Liabilities, shall, within *Twenty-eight* Days after the Execution thereof by such Debtor, or within such further Time as the Court in London shall allow, be registered in the Office of the Chief Registrar, and in default thereof shall not be received in Evidence.

Deed to be registered in the Court of Bankruptcy, and in default not to be received in Evidence.

290. Every such Deed or Instrument, on being so registered, shall have a Memorandum thereof written on the Face of such Deed, stating the Day and the Hour of the Day at which the same was brought into the Office of the Chief Registrar for Registration.

Memorandum of Registration.

291. After the Registration of every such Deed or Instrument in manner aforesaid, the Debtor and Creditors, and Trustees, Parties to such Deed, or Instrument, or who have assented thereto or are bound thereby, shall in all Matters relating to the Estate and Effects of such Debtor be subject to the Jurisdiction of the Court of Bankruptcy for the District in which the Debtor would have been liable to be adjudged bankrupt, and shall respectively have the Benefit of and be liable to all the Provisions of this Act, in the same or like Manner as if the Debtor had been adjudged a Bankrupt, and the Creditors had proved, and the Trustees had been appointed Trustee under such Bankruptcy; and the existing or future Trustees of any such Deed or Instrument, and the Creditors under the same, shall as between themselves respectively, and as between themselves and the Debtor and against Third Persons, have the same Powers, Rights, and Remedies, with respect to the Debtor and his Estate and Effects, and the Collection and Recovery of the same, as are possessed or may be used or exercised by Trustees or Creditors with respect to the Bankrupt, or his Acts, Estate and Effects in Bankruptcy, or as betwixt Creditors in Bankruptcy; and the Comptroller shall exercise the same Supervision and Powers over the Trustees under such Deed or Instrument as over Trustees in Bankruptcy; and, except where the Deed or Instrument shall expressly provide otherwise, the Court shall determine all Questions arising under it according to the Law and Practice in Bankruptcy, so far as they

Jurisdiction of the Court, and Rights and Liabilities of the Parties after Registration of Deed.

they may be applicable, and shall have Power to make and enforce all such Orders as it would be authorized to do if the Debtor had been adjudged bankrupt, and his Estate were administered in Bankruptcy. Any Creditor of the Debtor, whether Party to or assenting to such Deed or Instrument or not, shall be entitled to make an Application to such Court to declare whether any such Deed or Instrument is valid under this Act, or whether he is bound by the same, and shall be bound by the Decision of the Court on such Application; and if the Court shall determine that it is invalid, it shall have Power, if it thinks fit, to delay making a Declaration to that Effect for such Time as it shall think fit, in order to allow an Alteration thereof, as herein-after provided.

Memorandum of Alteration of Deed referred to in Section may be executed by Majority of Creditors, and approved by Court.

292. It shall be lawful at any Time for a Majority in Number representing *Three Fourths* in Value of the Creditors of any Debtor who has executed any Deed or Instrument referred to in Section Two hundred and eighty-seven, and who have proved their Debts thereunder, to sign a Memorandum of Alteration of any of the Provisions of such Deed, which Memorandum may also cancel any of the Provisions or add further Provisions, and on such Memorandum being produced to the Court of Bankruptcy having Jurisdiction in respect of such Deed or Instrument, it shall have Power to approve of the same, and on such Approval the Memorandum shall be forthwith registered in the same Manner as the original Deed or Instrument, and it shall then be deemed to form Part of such Deed or Instrument, which shall be read and take effect as altered thereby, and such Memorandum shall have Relation back to the Date and Registration of the original Deed or Instrument. If any such Memorandum shall affect the Interests of the Debtor, it shall not be approved by the Court unless executed by him in the same Manner as the original Deed.

Debtor's Property not thereafter liable.

293. After Notice of the filing and Registration of any such Deed or Instrument referred to in this Title of this Act has been given as aforesaid, no Execution, Sequestration, or other Process against the Debtor's Property in respect of any Debt shall be available to any Creditor or Claimant, without Leave of the Court: Provided always, that no such Deed or Instrument shall discharge the Debtor from Debts due to Creditors who have not executed the same, unless it shall comprise the Debtor's whole Property, Real and Personal, and unless all the Creditors of such Debtor shall receive a Dividend of at least *Six Shillings and Eightpence* in the Pound on the Amount of their respective Debts.

Stay of Proceedings in Bankruptcy after Execution of Deed till Registration.

294. In case any Petition shall be presented for an Adjudication in Bankruptcy against a Debtor after his Execution of such Deed or Instrument, and pending the Time allowed for the Registration of such Deed or Instrument, all Proceedings under such Petition

Petition may be stayed, if the Court shall think fit; and in case such Deed or Instrument shall be duly registered as aforesaid, the Petition shall be dismissed.

Provision in case Debtor cannot obtain Assent of requisite Majority of Creditors.

295. If a Debtor cannot obtain the Assent of a Majority in Number representing *Three Fourths* in Value of his Creditors, by reason of his being unable to ascertain by whom Bills of Exchange, Promissory Notes, or other negotiable Securities accepted, drawn, made, or endorsed by him are holden, or by reason of the Absence of Creditors in a Foreign Country, or other similar Circumstances, it shall be sufficient if he obtain the Consent of a Majority in Number representing *Three Fourths* in Value of all his other Creditors to such Deed or Instrument as aforesaid; provided that Notice shall have been inserted by or on behalf of the Debtor in One or more Newspapers published in the County or Place at which he shall have carried on Business immediately prior to the Date of such Deed or Instrument, requiring his Creditors to signify their Assent to or Dissent from such Deed or Instrument by Notice in Writing addressed to the Trustee or Trustees thereof within Fourteen Days from the Insertion of such Notice, and that the Affidavit or Certificate of the Trustee or Trustees shall state the Circumstances of the Case, and the same shall be allowed by the Court, and provided the Deed or Instrument be in such Form as is expressed in Schedule (B a.), which shall vest all the Estate and Effects of the Debtor in the Trustees of such Deed, and provided that all such other Conditions as are herein-before required be duly complied with.

Registers and Returns.

Comptroller to keep Register of Bankruptcies.

296. The Comptroller shall keep a Book, entitled "The Register of Bankruptcies," which may be in the general Form of Schedule (C a.) hereunto annexed, but with such additional Heads as he may find necessary, which Book shall, subject to such Orders as may be made in that Behalf, be open to all Persons concerned, and he shall regularly enter therein a full Account of all Bankruptcies, in such Form and containing such Details as the Lord Chancellor by General Order shall from Time to Time prescribe.

To superintend annual Returns.

297. The Comptroller shall superintend the annual Returns required by this Act from Trustees, and shall cause all such Returns to be regularly preserved, in such Manner as the Lord Chancellor shall from Time to Time by General Orders direct, and the same shall, subject to General Orders in that Behalf, be at all Times open to the Inspection of all Parties concerned; and the Comptroller shall frame an annual Report to the Lord Chancellor, showing the State of each depending Bankruptcy returned to him, and an

To frame Report.

Abstract thereof, framed as the Lord Chancellor shall direct, shall be laid before Parliament.

Trustee to make an annual Return to Comptroller.

298. Each Trustee shall, within *Fourteen Days* after the *Thirty-first Day of October* in each Year, deliver, free of Expense, to the Comptroller, a Return in the Form of the Schedule (C a.) of every Bankruptcy in which he is Trustee; and any Trustee who fails to make such Return shall be removable from his Office by the Court on the Application of any Creditor or the Comptroller, or subjected to Censure, and Payment of Costs of the Application. Each Trustee or Inspector appointed or acting under a Deed of Arrangement, Compensation, or other Deed for the Benefit of Creditors under this Act, whether in Cases in which Adjudication of Bankruptcy has been made or not, shall also on the *Thirty-first Day of October* in each Year deliver to the Comptroller, free of Expense, a Return in a Form to be provided by General Orders of the Proceedings under every such Deed.

Docket Book.

299. The Chief Registrar shall, on any Petition for Adjudication of Bankruptcy being presented to the Court in London, immediately cause the same to be entered in a Book to be kept by him for that Purpose, to be called the General Docket Book (which Book shall be in the Form contained in Schedule (D a.)); and all Petitions filed in the Country Districts shall in like Manner be entered by the respective Registrars thereof in similar Docket Books (One of which shall be kept in each Court). The Registrars acting in the Country shall transmit daily by Post to the Chief Registrar, and also to the Comptroller, Copies of all Entries made by them in their Docket Books, and of all Adjudications made in the respective District Courts, and the Chief Registrar shall immediately on the Receipt thereof cause the same to be entered in the General Docket Book; and when any Petition in Prosecution in any of the Courts, or any Adjudication of Bankruptcy made therein, shall be dismissed or annulled, or when the Time allowed to any Petitioning Creditor for proceeding shall have been extended, or when Proceedings shall be stayed for the Purpose of Arrangement, or when any Deed of Arrangement, Composition, or otherwise, shall be declared completely executed, the Registrar of the Court making such Order shall forthwith transmit a certified Copy thereof to the Chief Registrar, who shall cause the same to be minuted in the General Docket Book, and another certified Copy thereof to the Comptroller.

Registrars to transmit Copies of Entries, Adjudications, &c. to Chief Registrar.

Accountant, Master, &c. to make annual Returns.

300. The Accountant, Taxing Master, Registrars, and Registrars of the County Courts acting in Bankruptcy, shall make to the Chief Registrar, in such Manner and Form as General Orders shall direct, annual

annual Returns of the Business of their respective Offices, and from such Returns the Chief Registrar shall frame a general Return, judicial and financial, as to all Matters within this Act, which shall be laid before Parliament by the Lord Chancellor as early as may be after the Completion thereof; and the Returns to the Chief Registrar shall be kept by him of Record, and shall be open to the Inspection of Persons desirous of inspecting the same, on Payment of the Fee stated in Schedule (D.).

Notices.

What Notices to be sent by Post.

301. All Notices by this Act or by General Order required to be served on any Person, and not required to be personally served, shall be sent by Post addressed to the last known Place of Business or Abode of such Person, subject to such Regulations as to Registration and otherwise as such General Orders shall direct.

General Orders as to Advertisements.

302. General Orders respecting the Form and Contents of Notices in the Gazette and otherwise may provide for Notices concerning more Bankruptcies than One being comprised in One Advertisement, and may fix the Price to be paid to the Printer of the London Gazette for Advertisements, which Price the said Printer is hereby required to receive as such Payment.

Offences and Criminal Proceedings.

Penalty on Persons guilty of Misdemeanors herein named.

303. After the Commencement of this Act, any Bankrupt who shall do any of the Acts or Things following, with Intent to defraud or defeat the Rights of his Creditors, shall be guilty of a Misdemeanor, and shall be liable, at the Discretion of the Court before which he shall be convicted, to Punishment by Imprisonment for not more than *Three Years*, or to any greater Punishment attached to the Offence by any existing Statute :

1. If he shall not upon the Day fixed for his Examination, and at the Hour appointed, after Notice thereof in Writing, to be served upon him personally or left at his usual or last known Place of Abode or Business, and after the Notice herein directed in the "London Gazette," or if he shall not at the Hour and upon the Day fixed on any Adjournment of his Examination, appear before the Court (having no lawful Impediment allowed by the Court), and sign or subscribe his Examination and his Statement of Affairs :
2. If he shall not upon his Examination fully and truly discover to the best of his Knowledge and Belief all his Property, Real and Personal, inclusive of his Rights and Credits, and how and to whom, and for what Consideration, and when he

disposed of, assigned, or transferred any Part thereof, except such Part as has been really and bonâ fide before sold or disposed of in the way of his Trade or Business, if any, or laid out in the ordinary Expense of his Family, or shall not deliver up to the Court, or dispose as the Court directs of all such Part thereof as is in his Possession, Custody, or Power, except the necessary Wearing Apparel of himself, his Wife and Children, and deliver up to the Court all Books, Papers, and Writings in his Possession, Custody, or Power relating to his Property or Affairs:

3. If he shall, after Adjudication, or within *Sixty Days* prior to Adjudication, with Intent to defraud his Creditors, remove, conceal, or embezzle any Part of his Property to the Value of Ten Pounds or upwards:

4. If, in case of any Person having to his Knowledge or Belief proved a false Debt under his Bankruptcy, he shall fail to disclose the same to the Trustee within One Month after coming to the Knowledge or Belief thereof:

5. If he shall, with Intent to defraud, wilfully and fraudulently omit from his Statement of Affairs any Effects or Property whatsoever:

6. If he shall, after the filing of the Petition for Adjudication, with Intent to conceal the State of his Affairs, or to defeat the Object of the Law of Bankruptcy, conceal, prevent, or withhold the Production of any Book, Deed, Paper, or Writing relating to his Property, Dealings, or Affairs:

7. If he shall, after the filing of the Petition for Adjudication, or within *Three Months* next before Adjudication, with Intent to conceal the State of his Affairs, or to defeat the Objects of the Law of Bankruptcy, part with, conceal, destroy, alter, mutilate, or falsify, or cause to be concealed, destroyed, altered, mutilated, or falsified, any Book, Paper, Writing, or Security, or Document relating to his Property, Trade, Dealings, or Affairs, or make or be privy to the making of any false or fraudulent Entry or Statement in or Omission from any Book, Paper, Document, or Writing relating thereto:

8. If, within the like Time, he shall, knowing that he is at the Time unable to meet his Engagements, fraudulently and with Intent to diminish the Sum to be divided amongst the general Body of his Creditors, have made away with, mortgaged, encumbered, or charged any Part of his Property, of what Kind soever, or if after Adjudication he shall conceal from the Court or his Assignee any Debt due to or from him:

9. If,

9. If, being a Trader, he shall, under his Bankruptcy, or at any Meeting of his Creditors within *Three Months* next preceding the filing of the Petition for Adjudication, have attempted to account for any of his Property by fictitious Losses or Expenses:

10. If, being a Trader, he shall, within *Three Months* next before the filing of the Petition for Adjudication, under the false Colour and Pretence of carrying on Business and dealing in the ordinary Course of Trade, have obtained on Credit from any Person any Goods or Chattels with Intent to defraud:

11. If, being a Trader, he shall, with Intent to defraud his Creditors, within *Three Months* next before the filing of the Petition for Adjudication, pawn, pledge, or dispose of, otherwise than by bonâ fide Transactions in the ordinary Way of his Trade, any of his Goods or Chattels which have been obtained on Credit and remain unpaid for.

Jurisdiction and Powers of Commissioners in proceeding in respect of Bankrupt guilty of any Offences herein before named.

304. If it shall at any Time appear to any Court under this Act that the Bankrupt has been guilty of any of the Offences in the next preceding Section set forth, such Court shall have and may exercise such Jurisdiction, Rights, Powers, and Privileges, for the summoning, apprehending, committing, remanding, bailing, and otherwise proceeding in respect of such Bankrupt, as are exercised by and vested in Her Majesty's Justices of the Peace in respect of Persons against whom a Charge or Complaint shall have been made before any One or more of the said Justices in respect of any Felony or indictable Misdemeanor committed within the Limits of the Jurisdiction of such Justice or Justices; and all the Provisions of the Act of the Session of Parliament of the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter Forty-two, shall, with such Variations as the Nature of the Case may require, extend and apply to the Court, and to the Commissioners of the London and other District Courts of Bankruptcy, and to the Judges of the County Courts acting in Matters under this Act, and their Proceedings, as well as to Justices of the Peace and their Proceedings.

Provisions of 11 & 12 Vict. c. 42. extended to this Act.

Creditor or Court may appoint Prosecution.

305. The Creditors at any Meeting, or the Court, may direct that the Trustee or any of the Creditors of the Bankrupt shall act as the Prosecutor in respect of such Offence, and if the Court shall so direct it shall give to such Trustee or Creditor a Certificate of the Court having so directed, which Certificate shall be deemed sufficient Proof of such Prosecution having been directed as aforesaid; and upon the Production of such Certificate the Costs of such Prosecution shall be allowed by the Court before which any Person shall be prosecuted or tried in pursuance of such Direction, unless

Costs of Prosecution.

such last-mentioned Court shall specially otherwise direct, and when allowed by any such Court such Sum so allowed shall be ordered by the said Court to be paid and borne in all respects in the same Manner as the Expenses of Prosecutions for Felonies are now paid and borne, and the same shall be paid and borne accordingly; and any Expenses incurred by such Prosecutor, other than those so defrayed in accordance with the next following Clause, shall be paid out of the Funds standing to the Account intituled "The Chief Registrar's Account."

Power to direct Reference to Attorney General.

306. The Creditors at any Meeting, or the Comptroller, or the Court, may direct the Trustee or any Creditor to lay the Papers before the Attorney General (or the Solicitor General during a Vacancy in the Office of Attorney General) for his Direction thereon, either while the Bankruptcy is pending before the Court or when it has been brought to a Conclusion.

False Declaration a Misdemeanor.

307. Any Person who wilfully and corruptly makes any Declaration for Proof of Debt, knowing the same, or the Statement of Account to which the same shall be appended, to be untrue in any material Particular, shall be deemed guilty of a Misdemeanor, and shall be liable to undergo the Pains and Penalties imposed upon Persons guilty of wilful and corrupt Perjury.

False Evidence.

308. Any Bankrupt or Bankrupt's Wife or any other Person who shall, upon any Examination upon Oath or Affirmation authorized or directed by this Act, or in any Affidavit or Deposition or solemn Affirmation so authorized or directed, wilfully and corruptly give false Evidence, or wilfully and corruptly swear or affirm anything which shall be false, being convicted thereof, shall be liable to the Penalties of wilful and corrupt Perjury.

Inserting Advertisements without Authority.

309. Any Person who shall insert or cause to be inserted in the London Gazette, or in any Newspaper, any Advertisement under this Act, without Authority, or knowing the same to be false in any material Particular, shall be guilty of a Misdemeanor.

Forging Signature of Commissioner or Officer or Seal of Court, &c., Felony.

310. If any Person shall forge the Signature of any Commissioner, Registrar, or of the Taxing Master or other Officer of the Court, or shall forge or counterfeit the Seal of the Courts, or knowingly concur in using any such forged or counterfeit Signature or Seal, for the Purpose of authenticating any Proceeding or Document, or shall tender in Evidence any such Proceeding or Document with a false

false or counterfeit Signature of any such Commissioner, Registrar, Master, or other Officer, or a false or counterfeit Seal of the Court, subscribed or attached thereto, knowing such Signature or Seal to be false or counterfeit, every such Person shall be guilty of Felony, and shall be liable to the same Punishment as any Offender under the Act of the Session of Parliament of the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter One hundred and thirteen.

Indictment.

311. In any Indictment or Information for any Misdemeanor under this Act it shall be sufficient to set forth the Substance of the Offence charged, without alleging or setting forth any Debt, Act of Bankruptcy, Petition, or Adjudication, or any Summons, Warrant, Order, Rule, or Proceeding of or in any Court acting under this Act.

Gaoler suffering Persons committed to escape, &c.

312. If any Keeper of any Prison or any Gaoler to whose Custody any Bankrupt or other Person shall be duly committed shall refuse to receive such Bankrupt or other Person, or shall suffer him to escape, every such Keeper or Gaoler shall forfeit *Five hundred Pounds.*

Appropriation of Forfeitures.

313. All Sums of Money forfeited under this Act, or by virtue of any Conviction for Perjury committed in any Oath, Affirmation, or Declaration thereby directed or authorized, may be sued for by the Trustee of the Estate and Effects of any Bankrupt connected therewith or interested therein in any of Her Majesty's Superior Courts of Record, and the Money so recovered (the Charges of Suit being deducted) shall be applied as Part of the Assets of the Bankrupt's Estates, after Exhaustion of the other Assets, and any Surplus thereof, after Payment of the Creditors in full, shall be paid over to the Bank of England, to the Credit of the Account intituled "The Chief Registrar's Account."

Power for Court to commit Persons wilfully disobeying any Rule or Order of the Court.

314. If any Person shall wilfully disobey any Rule or Order of the Court, duly made for enforcing any of the Purposes and Provisions of this Act, the Court may, by Warrant in the Form contained in Schedule (E a.), commit the Person so offending to the Queen's Prison, or to the Common Gaol of any County, City, or Place where he shall be found or where he shall usually reside, there to remain, without Bail or Mainprise, until such Court, or the Court of Appeal, shall make Order to the contrary.

Sections 114, 115, 116, and 117 of 9 & 10 Vict. c. 95. to apply to Officers acting in execution of Warrants or Orders of the Courts.

315. The several Provisions contained in the One hundred and fourteenth, One hundred and fifteenth, One hundred and sixteenth and One hundred and seventeenth Clauses of the Act passed in the Ninth and Tenth Years of Her Majesty, Chapter Ninety-five, shall apply to all Officers of the Court and of the County Courts sitting in Bankruptcy, who act in execution of Warrants and Orders of such Courts, as if these several Clauses had been enacted hereby.

Definition and Explanation of Terms.

Definition of Terms, &c.

316. The Terms and Words herein-after enumerated or explained, wheresoever occurring in this Act, shall be understood as herein-after defined or explained, unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Definition or Explanation; that is to say,

"Annulling:" "Annulling" shall mean also "superseding:"

"Bank of England:" "Bank of England" shall mean also all Branches or Agents thereof:

"Bankrupt:" "Bankrupt" shall mean any Person adjudicated bankrupt by any Court under the Provisions of this Act:

"Commissioner, &c.:" "Commissioner," and "Commissioner of the Court of Bankruptcy," shall include the Judge of any County Court entitled to act in Bankruptcy under this Act, and shall include Registrar, when acting as Commissioner:

"Court:" "Court," shall mean the Court of Bankruptcy in London, or in any Country District, or any County Court, acting under this Act, and in which the Petition of Adjudication or the Bankruptcy referred to is being prosecuted, according as such several Constructions shall be consistent with the Context, and shall include the Registrar in Bankruptcy when acting as the Commissioner of Bankruptcy:

"Comptroller:" "Comptroller" shall mean the Comptroller in Bankruptcy appointed by this Act:

"Court of Appeal:" "Court of Appeal" shall mean the Court of Appeal in Chancery sitting in Bankruptcy:

"Creditor:" "Creditor" shall mean also any Two or more Persons being Partners, and incorporated and Joint Stock Companies:

"Creditors present at any Meeting:" "Creditors present at any Meeting" shall include Creditors who are represented by some Person duly authorized by any such Creditor in Writing, and such Authority shall not require a Stamp:

"Gaoler"

"Gaoler" shall include the Keeper or Governor of any Gaol or Prison: "Gaoler:"

"Gazette" shall mean "London Gazette:" "Gazette:"

"Metropolitan District" shall mean the District in the Jurisdiction of the several County Courts enumerated in the Act passed in the Nineteenth and Twentieth Year of the Reign of Her Majesty, Chapter One hundred and eight, Section Eighteen: "Metropolitan District:"

"Payment" shall include the Tender or giving of any Security or Satisfaction, and "to pay," shall include to make Tender or give any Security or Satisfaction: "Payment:"

"Petition for Adjudication" or "Petition in Bankruptcy" shall mean any Petition against a Debtor for Adjudication of Bankruptcy, and shall include a Judgment Debtor Summons, after Adjudication is made thereon, and the Date of filing a Petition for Adjudication shall be held to signify also the Date of issuing a Judgment Debtor Summons, when Adjudication is made thereunder: "Petition for Adjudication of Bankruptcy:"

"Petitioning Creditor" shall mean the Creditor who filed the Petition for Adjudication, or sued out a Judgment Debtor Summons: "Petitioning Creditor:"

"Property" shall mean and include all the Real and Personal Estate and Effects of the Petitioner or Bankrupt within this Realm and abroad (except as herein provided), and all the future Estate, Right, Title, Interest, and Trust of such Petitioner or Bankrupt in or to any Real or Personal Estate and Effects within this Realm or abroad, which may revert, descend, be devised or bequeathed or come, and all Debts due or to be due to him, before he shall have obtained his Discharge: "Property:"

"Prisoner" shall mean any Person in actual Custody within any Gaol or Prison in England under any Order, Writ, Warrant, Commitment, or Sentence: "Prisoner:"

"Schedule" shall signify Schedule annexed to this Act, and when providing any Form it shall be held to signify also any Form to the like Effect: "Schedule:"

"Sheriff" shall include Sheriff Substitute: "Sheriff:"

"Suit" shall include Action at Law and Suit at Equity or other Proceeding: "Suit:"

"Trader" shall include Alum-makers, Apothecaries, Auctioneers, Bankers, Bleachers, Brokers, Brickmakers, Builders, Calenderers, Carpenters, Carriers, Cattle or Sheep Salesmen, Coach Proprietors, Cowkeepers, Dyers, Fullers, Keepers of Inns, Taverns, Hotels, or Coffee Houses, Limeburners, Livery Stable Keepers, Market Gardeners, Millers, Packers, Printers, Shipowners, Shipwrights, Victuallers, Warehousemen, Wharfingers, "Trader:"

Persons using the Trade or Profession of a Scrivener receiving other Men's Monies or Estates into their Trust or Custody, Persons insuring Ships or their Freight or other Matters against Perils of the Sea, and all Persons using the Trade of Merchandise by way of bargaining, Exchange, bartering, Commission, Consignment, or otherwise, in gross or by retail, and all Persons who, either for themselves or as Agents or Factors for others, seek their Living by buying and selling, or by buying and letting for Hire, or by the Workmanship of Goods or Commodities, whether such Person have Privilege of Parliament or not: Provided that no Farmer, Grazier, common Labourer, or Workman for Hire, Receiver General of the Taxes, or Member of or Subscriber to any incorporated Commercial or Trading Company established by Charter or Act of Parliament, shall be deemed as such a Trader under this Act:

"Trustee:" "Trustee" shall mean the Trustee elected by the Creditors and confirmed by the Court, and shall include Interim Receiver, when appointed, in so far as such Interim Receiver shall exercise any Powers given to the Trustee in this Act:

"United Kingdom:" "United Kingdom" shall mean the United Kingdom of Great Britain and Ireland; and shall include the Isle of Man and the Channel Islands:

"Computation of Time." In all Cases in which any particular Number of Days is prescribed by this Act, or shall be mentioned in any Rule or Order of Court which shall at any Time be made under this Act, for the doing of any Act, or for any other Purpose, the same shall be reckoned, in the Absence of any Expression to the contrary, exclusive of the first and inclusive of the last Day, unless the last Day shall happen to fall on a Sunday, Christmas Day, Good Friday, Monday and Tuesday in Easter Week, or a Day appointed for a Public Fast or Thanksgiving, in which Case the Time shall be reckoned exclusive of that Day also. When anything is directed to be done on a certain Day it shall be done on the following Day, if the Day fixed shall happen to be One of the Days above excepted.

Want of Form when not to invalidate Proceedings. **317.** No Rule, Order, Warrant, or other Proceeding or Document required by this Act to be in a Form given in the Schedules to this Act, or to be given by any General Order, shall be invalidated by reason of any Want of Form or Omission therein, if such Want of Form or Omission shall not, in the Opinion of the Court before which the same shall be brought, be calculated to mislead or prejudicially affect any Party.

Forms in Schedules may be altered by General Orders. Any Form contained in any of the Schedules to this Act may be altered from Time to Time by General Orders as may be found expedient.

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SCHEDULES.

SCHEDULE (A.)

ACTS AND PARTS OF ACTS REPEALED.

Date of Act.	Title.	Extent of Repeal.
1 & 2 Geo. 4. c. 115.	An Act to repeal so much of an Act of the Fifth Year of His late Majesty King George the Second, relating to Bankrupts, as requires the Meetings under Commissions of Bankrupts to be holden in the Guildhall of the City of London, and for building Offices in the said City for the Meetings of Commissioners, and for the more regular Transaction of Business in Bankruptcy.	The whole.
1 & 2 W. 4. c. 56.	An Act to establish a Court of Bankruptcy.	The whole.
5 & 6 W. 4. c. 29.	An Act for investing in Government Securities a Portion of the Cash lying unemployed in the Bank of England belonging to Bankrupts Estates, &c.	The whole.
5 & 6 Vict. c. 122.	An Act for the Amendment of the Law of Bankruptcy.	The whole.
7 & 8 Vict. c. 70.	An Act for facilitating Arrangements between Debtor and Creditor.	The whole.
7 & 8 Vict. c. 96.	An Act to amend the Laws of Bankruptcy, Insolvency, and Execution.	Sections 1 to 56, both inclusive.
10 & 11 Vict. c. 102.	An Act to abolish the Court of Review in Bankruptcy, and to make Alterations in the Jurisdiction of the Court of Bankruptcy and Court for Relief of Insolvent Debtors.	The whole.
12 & 13 Vict. c. 106.	An Act to amend and consolidate the Laws relating to Bankrupts.	The whole.
15 & 16 Vict. c. 77.	An Act to abolish the Office of Lord Chancellor's Chief Secretary of Bankrupts, and to regulate the Office of Chief Registrar of the Court of Bankruptcy.	The whole.
17 & 18 Vict. c. 119.	An Act for regulating Appointments to Offices in the Court of Bankruptcy, and for amending the Laws relating to Bankrupts.	The whole.
24 & 25 Vict. c. 134.	An Act to amend the Law relating to Bankruptcy and Insolvency in England.	The whole.
25 & 26 Vict. c. 99.	An Act to amend the Bankruptcy Act, 1861.	The whole.

SCHEDULE (B.)

To the Persons filling the under-mentioned Offices in the Court of Bankruptcy, the following Salaries shall be payable :—

	£
The Commissioners in London, each - -	2,000
The Commissioners in the Country, each - -	1,800
The Chief Registrar - - - -	1,400
The Registrars acting in London, each - -	1,200
The Registrars acting in the Country, each -	1,000
The Taxing Master - - - -	1,400
The Accountant in Bankruptcy - - -	1,500
The Comptroller in Bankruptcy - - -	1,500

The Clerks in the several Offices of the Accountant in Bankruptcy, the Chief Registrar, the Taxing Master, the Ushers of the Court, the Clerk and Trainbearer, Ushers, and Assistant Ushers of the Lords Justices of the Court of Appeal in Bankruptcy, shall continue to receive the same Salaries, and out of the same Funds, as if this Act had not been passed.

The Persons holding Offices by this Act abolished, and their Clerks, shall receive the Salaries heretofore payable to them, until they shall be relieved of their Duties by Order of the Lord Chancellor.

SCHEDULE (C.)

DOCUMENT.	Stamp Duty in lieu of Fees.
	£ s. d.
Every Petition presented to a Court of Bankruptcy or County Court for Adjudication of Bankruptcy	0 10 0
Every Order of Discharge - - -	0 5 0
Every Declaration of Insolvency - - -	0 2 6
Every Registration of Trust Deeds - -	0 10 0
Every Summons of Judgment Debtor or Trader Debtor - - - - -	0 2 6
Every Admission of such Debtor - - -	0 2 6
Every Deposition of good Defence - -	0 2 6
Every Bond with Sureties - - -	0 5 0
Every Application for Search for Petition or other Proceeding - - - - -	0 1 0
Every Application for any Meeting - - -	0 5 0
Attendance of Registrar at any Meeting - -	1 1 0
Every Allocatur by any Officer of the Court for any Costs, Charges, or Disbursements,—where such Bill of Costs shall not exceed £5 - -	0 1 6
Exceeding £5 and not exceeding £10 -	0 2 6
„ 10 „ - 20 -	0 5 0
„ 20 „ - 30 -	0 7 6
„ 30 „ - 50 -	0 10 0
„ 50 „ - 100 -	0 15 0
„ 100 „ - 150 -	1 0 0
„ 150 „ - 200 -	1 10 0
„ 200 „ - 300 -	2 0 0
„ 300 „ - 500 -	3 0 0
„ 500 - - - -	5 0 0

SCHEDULE (D.)

THE BANKRUPTCY ACT, 1866.

Declaration of Insolvency by Debtor.

I the undersigned *E.F.*, of , do hereby declare, That I am unable to meet my Engagements with my Creditors.

Dated at the Hour of [in the Forenoon, *or* at Noon, *or* in the Afternoon, *as the Case may be,*] this Day of in the Year of our Lord

(Signed) *E.F.*

Witness,

G.H., Registrar of the Court of Bankruptcy,
[*or*, Attorney or Solicitor of the Court of .]

SCHEDULE (E.)

THE BANKRUPTCY ACT, 1866.

Affidavit for summoning a Trader Debtor.

A.B. of and *C.D.* of severally make Oath and say; and first this Deponent *A.B.* for himself saith, that *E.F.* is justly and truly indebted to this Deponent in the Sum of [*the Amount of the Debt*] for, *&c.* [*stating the Nature of the Debt with Certainty and Precision*]; and this Deponent further saith, that the said *E.F.*, as this Deponent verily believes, is a Trader within the Meaning of the Law of Bankruptcy, and resides at and that an Account in Writing of the Particulars of the Demand of the said *A.B.*, amounting to the said Sum of [*the Amount of the Debt*], with a Notice thereunder written in the Form prescribed by "The Bankrupt Law Consolidation Act, 1849," requiring immediate Payment of the said Debt, is hereunto annexed; and this Deponent *C.D.* for himself saith, that he did, on the Day of instant [*or* last], personally [*or otherwise, according to the Fact,*] serve the said *E.F.* with a true Copy of the said Account and Notice.

Sworn, *&c.*

SCHEDULE (F.)

THE BANKRUPTCY ACT, 1866.

Particulars of Demand, and Notice requiring Payment.

To *E.F.* of

The following are the Particulars of the Demand of the undersigned *A.B.* of against you the said *E.F.*, amounting to the Sum of [*the Amount of the Debt. Then copy the Account.*]

Take

Take notice, That I the said *A.B.* hereby require immediate Payment of the said Sum of . Dated this Day of in the Year of our Lord

(Signed) *A.B.*

SCHEDULE (G.)

The Bankruptcy Act, 1866.

Summons of Trader Debtor.

These are to will and require you to whom this Warrant is directed personally to appear before the Court of Bankruptcy in Basinghall Street in the City of London [*or* at in the County of] on the Day of at o'Clock; and you are hereby informed that the Purpose for which you are thus summoned to appear before the said Court is to ascertain, in Manner and Form prescribed by "The Bankruptcy Act, 1866," whether or not you admit the Demand of *A.B.* of (who claims of you the Sum of [*state the Amount*] for a Debt), or any and what Part thereof, or whether you verily believe that you have a good Defence upon the Merits to the said Demand, or to any and what Part thereof; and hereof you are not to fail at your Peril.

Given under my Hand, the Day of in the Year of our Lord

(Signed) *C.D.*,
(Seal.) Commissioner.

SCHEDULE (H.)

The Bankruptcy Act, 1866.

Admission of Debt by Trader Debtor.

Court of Bankruptcy, Basinghall Street, London,
(*or* at in the County of)
Day of A.D.

Whereas I the undersigned *E.F.* of am summoned to appear before this Honourable Court for the Purpose of stating in manner prescribed by "The Bankruptcy Act, 1866," whether or not I admit the Demand of *A.B.* of (who claims of me the said *E.F.* the Sum of [*the Amount*] for a Debt), or any and what Part thereof; or whether I verily believe that I have a good Defence upon the Merits to the said Demand, or to any and what Part thereof: Be it known, That I the said *E.F.* hereby admit that I am indebted to the said *A.B.* in the said Sum of [*or* in Part of the said Sum of , that is to say, in the Sum of .]

(Signed) *E.F.*

SCHEDULE (I.)

THE BANKRUPTCY ACT, 1866.

Deposition by Trader Debtor that he has good Answer to Creditor's Demand, or some Part thereof.

Court of Bankruptcy, Basinghall Street, London,
(*or* at in the County of)
Day of A.D.

E.F. being sworn on the Day and Year and at the Place aforesaid, upon his Oath saith, That he verily believes he has a good Defence upon the Merits to the Demand [*or* to Part of the Demand] hereinafter mentioned of *A.B.* of who claims of the said *E.F.* the Sum of for a Debt alleged to be due and owing from the said *E.F.* to the said *A.B.*, as stated in the Affidavit of the said *A.B.*, filed in this Honourable Court, and bearing Date the Day of .

Sworn before me,
J.K., Commissioner. (Signed) *E.F.*

SCHEDULE (K.)

Form of Bond to pay admitted Demand.

Know all Men by these Presents, That we, *G.H.*, *I.K.*, and *E.F.*, are jointly and severally held and firmly bound to *A.B.* in the Sum of to be paid to him, his Executors, Administrators, or Assigns, for which Payment to be made we jointly and severally bind ourselves, our Heirs, Executors, and Administrators.

Dated this Day of in the Year of our Lord 186 .

(L.S.)
(L.S.)
(L.S.)

Whereas the said *E.F.*, after being duly summoned to appear in Her Majesty's Court of Bankruptcy, for the Purpose of stating whether or not he admits a certain Demand of the said *A.B.* amounting to the Sum of or any and what Part thereof, or whether he verily believes that he hath a good Defence upon the Merits to the said Demand, or to any and what Part thereof, hath deposed upon Oath [*or* Affirmation, *as the Case may be,*] that he verily believes that he the said *E.F.* hath a good Defence upon the Merits to the said Demand [*or* to , Part of the said Demand]: *And whereas an Action of Debt [*or as the Case may be*], wherein the said *A.B.* is Plaintiff and the said *E.F.* is Defendant, is now depending in [*Name of Court in which the Action is depending*] for the Recovery of the said Demand [*or* last-mentioned Sum, *as the Case may be*]: Now, therefore, the Condition of this Obligation is such, that if the said *A.B.* shall on Demand pay to the said *A.B.*, or his Attorney or Agent, such Sum as shall be recovered by, together with such Costs as shall be given to, the said *E.F.* in such Action, this Obligation

tion shall be void and of no Effect, but otherwise shall be and remain in full force and virtue. [*Or if an Action has not been already brought, insert, instead of the Paragraph following the *, these Words:* Now, therefore, the Condition of this Obligation is such, that if the said *E.F.* shall, on Demand pay or cause to be paid to the said *A.B.*, his Attorney or Agent, such Sum or Sums as shall be recovered by, together with such Costs as shall be given to, the said *A.B.* in any Action which shall hereafter be brought for the Recovery of the said Demand [*or* last-mentioned Sum, *as the Case may require*], this Obligation shall be void and of no Effect, but otherwise shall be and remain of full force and virtue.

SCHEDULE (L.)

THE BANKRUPTCY ACT, 1866.

Admission of Debt by Trader Debtor signed out of Court.

I, the undersigned *E.F.*, of do hereby confess, That I am indebted to *A.B.* of in the Sum of .

(Signed) *E.F.*

Dated this Day of A.D.

Witness,
G.H., Attorney for the said *E.F.*,
and subscribing Witness to the
Execution hereof as such At-
torney.

SCHEDULE (M.)

THE BANKRUPTCY ACT, 1866.

Petition by a Creditor for Adjudication of Bankruptcy.

To the Court of Bankruptcy for the District.
[*or if the Debt is under Fifty Pounds*]
To the County Court for the District.

The humble Petition of *A.B.* of

Showeth,

That *E.F.* of being [*or* not being, *as the Case may be*], a Trader, and having resided [*or* carried on Business, *as the Case may be*,] for Six [*or* for the longest Period, that is to say, Months during Six] Calendar Months immediately preceding the Date of this Petition within the District of this Honourable Court, that is to say, at [*insert the Name of the Place*], is indebted to your Petitioner in the Sum of Pounds, [*as the*

the Case may be,] and that your Petitioner has been informed and believes that the said *E.F.* did lately commit an Act of Bankruptcy.

Your Petitioner therefore humbly prays, that on Proof of the Requisites in that Behalf, Adjudication of Bankruptcy may be made against the said

And your Petitioner shall ever pray, &c.

Signed by the Petitioner on the
Day of 186 .

If the Petition be by Partners, alter the Form accordingly, and let it be signed by One on behalf of himself and Partners.

If the Petition be by several, not being Partners, then it must be signed by each, and in such Case the Names of the several Petitioners should be stated in the Attestation or Attestations relating thereto respectively.

If the Petitioner cannot speak to the Place of Residence or Business of the Trader, strike out the Averment as to that, and annex to the Petition a separate Affidavit of some Person who can depose to the Fact.

If the Petition be against Partners, alter the Form accordingly.

SCHEDULE (N.)

The Bankruptcy Act, 1866.

Affidavit of Debt.

I, *A.B.* of make Oath and say :—

First, That *E.F.* of is indebted to me in the Sum of Pounds computed in the Manner directed in the Bankruptcy Act, 1866, for the Purpose of a Petition for Adjudication of Bankruptcy.

Second, That I am the Petitioner named in the Petition hereunto annexed, and that the several Allegations in the said Petition are true.

[*If the Affidavit is not for the Purpose of verifying the Allegations in a Petition for Adjudication, substitute for the Second Paragraph the following:*]

Second, That a Petition for Adjudication of Bankruptcy was on the Day of filed in the Court of Bankruptcy at [*or* in the County Court of] [*or*, That a Judgment Debtor Summons was on the Day of issued out of the Court of Bankruptcy at] against the said *E.F.* by *C.D.* of

Sworn by
at

If the Petition is by or against a Partnership, or if a Declaration is made instead of an Affidavit, alter the Form accordingly.

SCHE-

SCHEDULE (O.)

The Bankruptcy Act, 1866.

Affidavits for summoning a Judgment Debtor.

In the Court of Bankruptcy, London.

(*Or*, "In the Court of Bankruptcy for the District, at .")

I *A.B.* of make Oath and say as follows:—

First, I say that *E.F.* is indebted to me in the Sum of £ upon and by virtue of a Judgment of the Court of for the said Sum of £ recovered by me against the said *C.D.* on the (*a*) Day of last past, and of which said Sum the Sum of £ exclusive of Costs, is due to me, and the Sum of £ for taxed Costs is due to me, making together the said Sum of £ (*b*)

Second, I say that I verily believe that I am entitled to sue out against the said *E.F.* a Writ of Fieri facias in respect of the said Debt.

Third, (*c*) I say that I have known the said *E.F.* for the Space of now last past, during which Time the said *E.F.* did use and exercise the said Trade of [*here insert the particular Trade*], and sought to get his Livelihood thereby, as others of the same Trade usually do.

Fourth, (*d*) I say that the said *E.F.* usually lives [*or*, "as I am informed and believe, now is,"] within the District of this Honourable Court, that is to say, at , [*or* "as I am informed and believe, is not in England," but I say that the usual or last known Place of Abode of the said *E.F.* in England was at .]

Sworn at, &c.

(*a*) The Day of signing final Judgment.

(*b*) If the Sum is exclusive of Costs, or consists of Costs only, alter the statement accordingly.

(*c*) If the Summons be not applied for until after the Expiration of One Calendar Month from the signing of Judgment, this Paragraph may be omitted.

(*d*) If the Residence or the Trading be sworn to by some other Person, alter the Affidavit accordingly.

The following Form to be used in Cases of Disobedience to Decree in Equity or Order in Bankruptcy, Insolvency, or Lunacy.

In the Court of Bankruptcy, London.

(*Or* "In the Court of Bankruptcy for the District, at .")

We *A.B.* of and *C.D.* of severally make Oath and say:—

First, I *A.B.* for myself say that *E.F.* is indebted to me in the Sum of £ upon and by virtue of a Decree of the High Court of Chancery [*or* "an Order of the Lord High Chancellor," *or* "of the Right Honourable the Master of the Rolls," *or* of "his Honour Vice-Chancellor " &c., &c., bearing Date the Day of and made in a certain Suit then pending, wherein I the said *A.B.* was Plaintiff and the said *E.F.* Defendant, [*or* in a certain Matter in Bankruptcy or Lunacy,] whereby the said *E.F.* was decreed [*or* "ordered"] to pay to me the Sum of £ exclusive of Costs, and the Sum of £ for taxed Costs [*give the Substance of the Decree or Order*], making together the said Sum of £ and upon which a peremptory Order made by the said Lord Chancellor, [*or*, &c.,] was obtained by me on the Day of directing, *&c., as in the peremptory Order* [*Paragraphs as to the Trading and Residence deposed to by the Creditor or some other Person. here follow. If the Summons be not applied for until after the Expiration of*

Two Calendar Months after Service on the Debtor of the peremptory Order, or, such Order having been duly served after the Expiration of Seven Days after the Day fixed by the peremptory Order for Payment (which shall last happen), the Paragraph as to the Trading may be omitted.

Second, I, *C.D.* for myself say, that I did on the Day of duly serve the said *E.F.* with a true Copy of the said Decree [*or* "Order"], by delivering to or leaving the same with the Solicitor [*or* "a Clerk of the Solicitor"] of the said *E.F.* at his Office at

Third, I, *C.D.* further say that I did on the Day of personally serve the said *E.F.* with a true Copy of the said peremptory Order.

Fourth, I, *A.B.* further say that the said *E.F.* has not paid, or secured, or tendered, or compounded for the said Debt, but the said Debt still remains wholly due and unpaid.

Sworn by , at

SCHEDULE (P.)

The Bankruptcy Act, 1866.

Summons of Judgment Debtor.

These are to will and require you to whom this Summons is directed personally to be and appear before the Commissioner in attendance in Chambers at the Court of Bankruptcy in Basinghall Street in the City of London [*or* at the Court of Bankruptcy for the District at in the County of] on the Day of at o'Clock, to be examined respecting your Ability to satisfy a Debt of £ , claimed of you by *A.B.* of (*a*) upon and by virtue of a Judgment of the Court of for the said Sum of £ , recovered by the said *A.B.* against you on the Day of last, and of which said Sum the Sum of (*b*) £ , exclusive of Costs, is sworn to be due from you to the said *A.B.*, and the Sum of £ for taxed Costs, making together the said Sum of £ . You are to be examined also for the Discovery of Property applicable to satisfy the said Debt. You are moreover to observe the Notice endorsed hereon, and hereof you are not to fail at your Peril.

Given under my Hand and the Seal of the Court, the Day of in the Year of our Lord .

(Signed)

To *E.F.* of

——— Registrar.

Seal of the Court.

(*a*) If upon a Decree in Equity, &c., say "upon and by virtue of a Decree" (*or* "Order") and peremptory Order dated respectively the Day of and the Day of and sworn to have been duly served upon you, whereby you were directed to pay to the said *A.B.* the Sum of £ exclusive of Costs, and the Sum of £ for taxed Costs, making together the said Sum of £ .

(*b*) If the Debt is exclusive of Costs, or consists of Costs only, alter the Statement accordingly.

Every such Summons shall be endorsed with a Notice as follows:

Notice to the Party summoned.

"This Summons is served upon you pursuant to the Provisions of "The Bankruptcy Act, 1866," and is founded on an Affidavit of Debt which was filed

filed in the Court of Bankruptcy in London [*or* for the District, at] on the Day of 186 , and you are hereby informed that, if after Service of this Summons, or due Notice thereof, you do not pay the Debt and Costs within mentioned, or secure or compound for the same to the Satisfaction of the Creditor, then, on your Appearance to this Summons, or if you shall not appear, having no lawful Impediment allowed by the Court, and in either Case, without the Presentation of a Petition for Adjudication or other Proceeding, the Court may adjudge you bankrupt.

"This Summons was issued by of Solicitor for the Plaintiff [*or* Plaintiffs] within-named [*or, if by a Solicitor for a Person entitled to recive Money under a peremptory Order, or interested in enforcing Payment of it, alter accordingly.*]

or,

"This Summons was issued in Person by the Plaintiff [*or* Plaintiffs] within-named, who resides [*or* reside] at, *&c.* [*mention the City, Town, or Parish, and also the Name of the Street and Number of the House of the Plaintiff's Residence, if any such there be*]."

SCHEDULE (Q.)

Advertisement of Notice in London Gazette, &c., where Service of Judgment Debtor Summons cannot be effected.

In Bankruptcy. Statutory Notice of Judgment Debtor Summons.

To *E.F.* of

Take notice that a Judgment Debtor Summons, dated the Day of was issued by of Attorney for the Plaintiff [*or* Plaintiffs] herein-after named, [*or* by the Plaintiff [*or* Plaintiffs] herein-after named, who resides at *&c., as endorsed on the Summons*], and is under Seal of Her Majesty's Court of Bankruptcy in London, [*or* Her Majesty's Court of Bankruptcy for the District,] requiring you personally to appear before, *&c.* on the Day of at o'Clock, to be examined respecting your Ability to satisfy a Debt of, *&c.*, [*as in the Summons,*] and for the Discovery of Property applicable in that Behalf. And whereas it has been proved to the Satisfaction of the said Court of Bankruptcy, that you have been keeping out of the way to avoid Service of the said Summons or other legal Process, and that Service thereof cannot be effected, this Notice is given by Order of the same Court, and in pursuance of "The Bankruptcy Act, 1866," and you are hereby required personally to appear before the Commissioner in attendance in Chambers at the same Court at on the Day of at o'Clock, to be examined respecting your Ability to satisfy the said Debt, and for the Discovery of Property applicable in that Behalf; and you are hereby informed, that if you fail herein the Court may adjudge you bankrupt.

_____ Registrar.

_____ Solicitor for the said *A.B.* (*if any*).

SCHEDULE (R.)

THE BANKRUPTCY ACT, 1866.

Declaration to be made when Petition for Adjudication of Bankruptcy or a Judgment Debtor Summons is filed or sued out by Public Officer or Agent of Copartnership, under Section 123.

In the Court of Bankruptcy, London.

(*Or*, "for the District, at .")

In the Matter of

Day of A.D. 186 .

I, the undersigned do solemnly declare, That I am a Public Officer [*or* Agent] of [*Name of Copartnership*], duly authorized to sue and be sued in the Name of a Public Officer or Agent of such Copartnership, and that I am authorized to sue as the nominal Petitioner for and on behalf of such Copartnership.

Signed _____

Declared before, *&c.*

SCHEDULE (S.)

THE BANKRUPTCY ACT, 1866.

Notice of Adjudication in the Gazette and Newspapers.

E.F. [*Name and Designation*] was adjudged bankrupt on [*Date, Month, and Year*] by the [Court of Bankruptcy *or* County Court for the District of].

The Adjudication became absolute on [*Date*].

If the Proceedings have been transferred to any other Court, say, "The further Prosecution of the Bankruptcy was, by Order of the Court of dated the 186 , transferred to the Court of Bankruptcy (*or* County Court) for the District of .

The Meeting to elect the Trustee and Inspectors is to be held at [*Hour*] o'Clock on [*Day of the Week*] the [*Date, Month, and Year*], within [*specify particular Place*] in [*Town*]. A Composition or other Arrangement may be proposed at this Meeting. To entitle Creditors to the First Dividend their Declaration of Proof of Debt must be transmitted to the Trustee on or before the [*insert Date*].

All future Advertisements relating to this Bankruptcy will be published in the London Gazette alone.

(Signed) *P.Q.*, Solicitor to Petitioning Creditor
[*specify Place of Business*].

SCHE-

SCHEDULE (T.)

Bond of Security by Trustee.

Know all Men by these Presents, That we, *A.B.*, *C.D.*, and *E.F.*, are jointly and severally held and firmly bound to *E.F.*, Registrar of the Court of Bankruptcy in (*or* of the County Court of), in the Sum of to be paid to him, his Executors, Administrators, or Assigns, for which Payment to be made we jointly and severally bind ourselves, our Heirs, Executors, and Administrators.

Dated this Day of in the Year of our Lord 186 .

(L.S.)
(L.S.)
(L.S.)

Whereas on the Day of *G.H.* of [*Designation*] was adjudged bankrupt by the Court of Bankruptcy [*or* County Court] of and the said *A.B.* has been duly elected Trustee in the Bankruptcy, and confirmed by Certificate dated the Day of 186 . Now, therefore, the Condition of this Bond is such that if the said *G.H.* shall well and duly perform all the Duties imposed upon him by Statute or General Order as such Trustee, this Obligation shall be void and of no Effect, but otherwise shall be and remain in full force and virtue.

SCHEDULE (U.)

THE BANKRUPTCY ACT, 1866.

Certificate of Confirmation of the Trustee.

The Commissioners of the Court of Bankruptcy in London [*or* for the District of].

The Judge of the County Court of did on the Day of 186 , confirm and hereby confirms *A.B.* [*Name and Designation*] as Trustee in the Bankruptcy of *E.F.* [*Name and Designation*] and the whole of the Property, Real and Personal, wherever situated, of the said *E.F.*, is transferred to and vested in *A.B.* as Trustee for Behoof of the Creditors of the said *E.F.*, in virtue of the "Bankruptcy Act, 1866;" and the said *A.B.* has, as Trustee aforesaid, full Right and Power to sue for and recover all Estates, Effects, Debts, and Money belonging or due to the said *E.F.*

(Signed) *C.D.*, Registrar.

(Seal.)

SCHEDULE (W.)

THE BANKRUPTCY ACT, 1866.

Declaration of Proof of Debt by Creditor.

In the Court of Bankruptcy, London.

(*Or*, in the Court of Bankruptcy for the District at .)
(*Or* in the County Court of .)

In the Matter of Bankrupt.

I *A.B.* of do solemnly declare, That the Statement of the Debt [and of the Account, *if any*,] between me and the said Bankrupt, hereunto

unto annexed, is a full, true, and complete (*a*) Statement of Account between me and the said Bankrupt, and that the Debt thereby appearing to be due from the Estate of the said Bankrupt to me was on or before the Date of filing the Petition for Adjudication of Bankruptcy against the said Bankrupt, and still is justly due.

(*a*) Any Securities over the Bankrupt's Estate must be stated, valued, and deducted in the Account, and the Balance only claimed. Any Bills, Notes, or other Securities in respect of which the Bankrupt might claim Indemnity or Contribution must be stated in the Account, and such Claim valued, and the Amount deducted, if the Declaration is to be used for the Purpose of voting. If there be any Set-off, the Balance only should be claimed.

(Signed) *A.B.*, the Creditor above named.

(Signed)
C.D., Witness to the Signature of *A.B.*

Declaration for Proof of Debt by Agent of Company incorporated, or authorized to sue and bring Actions.

In the Court of Bankruptcy, London.

(*Or* in the Court of Bankruptcy for the District at .)

In the Matter of , Bankrupt.

I *A.B.* of , Agent of , being a Public Company incorporated [*or* authorized to sue and bring Actions], and carrying on Business at , do solemnly declare, That I am such Agent, and duly authorized to make this Proof, and that the Statement of the Debt [and of the Account, *if any*,] between the said Company and the said Bankrupt, hereunto annexed, is a full, true, and complete Statement of Account between the said Company and the said Bankrupt, and that it is within my own Knowledge that the Debt thereby appearing to be due from the Estate of the said Bankrupt to the said Company was incurred on or before the Date of filing the Petition for Adjudication of Bankruptcy against the said Bankrupt, and for the Consideration therein stated, and that to the best of my Knowledge and Belief the said Debt still remains unpaid and unsatisfied.

(Signed) *A.B.*,
Agent to the Company above named.

C.D., Witness to the Signature of *A.B.*

SCHEDULE (X.)

The Bankruptcy Act, 1866.

Notice for the Gazette.

Bankruptcy of *E.F.* [*Designation*].

A.B. [*Name and Designation*] has been elected and confirmed Trustee on the Estate, and *G.H.* and *I.K.* [*Names and Designations*] have been elected Inspectors. The Examination of the Bankrupt will take place in the Court of Bankruptcy, at [*or other Place*] on [*Day of Week*] the [*Date*] of [*Month*] next at

at [*Hour*]. The Creditors will meet in [*specify the Place, Day, and Hour*]. [*If any Offer of Composition or Arrangement has been entertained at the Meeting for Election of Trustee, state this, as provided by the Act.*]

[*Signed by the Trustee.*]

[*Date.*]

SCHEDULE (Y.)

The Bankruptcy Act, 1866.

(*In Bankruptcy.*)

Warrant of Committal of Bankrupt or other Party for unsatisfactorily answering, or for refusing to sign his Examination.

Court of Bankruptcy.

Whereas *E.F.*, the said in the County of Day of [*or G.H.* of] was on the duly sworn and examined in this Court; and the said was again on the Day of duly sworn and examined in this Court, as by the Examination and Deposition of the said now on the File of Proceedings in this Matter will appear:

And whereas the Answers of the said , as now so appearing in said Examination and Deposition, are unsatisfactory [*or* the said refused to sign and subscribe his said Examination and Deposition *or other Cause of Committal*]:

These are therefore to authorize and require you, immediately upon the Receipt hereof, to take into your Custody the said and him safely convey to Her Majesty's Prison of and him there to deliver to the Governor of the said Prison, who is hereby authorized and required to receive the said into his Custody there, and him safely keep and detain, without Bail, until this Court, or the Court of Appeal in Bankruptcy, shall make an Order to the contrary; and for so doing this shall be your sufficient Warrant.

Given under the Seal of the Court, this Day of 18 .

(L.S.) *J.K.*,

To Judge.

and to

Governor of the said Prison, or his Deputy there.

SCHEDULE (Z.)

Form of General Proxy.

In the Bankruptcy of of .

Sir,

I [*or* we] hereby authorize you to attend at all Meetings of Creditors in this Bankruptcy, or any Adjournments thereof, to vote and act for me

No Stamp is required for any Proxy.

[*or* us] in all Matters which at any such Meetings or Adjournments may be lawfully dealt with, or by which I [*or* we] may be affected, as fully as I [*or* we] could vote or act if present.

[*Date.*] *A.B.*

Witness to the Signature of *A.B.* *or A.B.* for self and Partners of

C.D. the Firm of

To

Form of Proxy as to any special Matter.

In the Bankruptcy of of

Sir,

I [*or* we] hereby authorize you to attend the Meeting of Creditors in this Matter advertised or directed to be holden at or or any Adjournment thereof, and then and there for me [*or* us] and in my [*or* our] Name to vote for or against [*here state the Resolution or Object of the Meeting*] or [*or* and] in the Election of Trustee and Inspectors of the Estate of the Bankrupt.

[*Date.*] *A.B.*

Witness to the Signature of *A.B.* *or A.B.* for self and Partners of

C.D. the Firm of

To

SCHEDULE (A. a.)

THE BANKRUPTCY ACT, 1866.

Admission of Debt by Creditor of Bankrupt.

I, the undersigned *I.K.* of do hereby, in open Court, confess that I am indebted to *E.F.* of a Bankrupt in the Sum of , upon the Balance of Accounts between myself and the said *E.F.*

(Signed) *I.K.*

SCHEDULE (B. a.)

THE BANKRUPTCY ACT, 1866.

This Deed, made the Day of between *A.B.* [*the Debtor*], and *C.D.* and *E.F.* [*the Trustees*], on behalf and with the Assent of the undersigned Creditors of *A.B.*, witnesseth, That *A.B.* hereby conveys all his Estate and Effects to *C.D.* and *E.F.* absolutely, to be applied and administered for the Benefit of the Creditors of *A.B.* in like Manner as if *A.B.* had been at the Date hereof duly adjudged bankrupt. In witness, *&c.*

Schedule of Creditors.

SCHE-

SCHEDULE (C. a.)

Register of Bankruptcies.

Name and Designation of Bankrupt.	Place and County of Bankrupt's Residence or Business.	Name and Designation of Petitioning Creditor.	Court in which Petition filed.	To what Court transferred, and on what Date.	Date of filing Petition.	Date of Adjudication. (If recalled, Entry to be in this Column).	Name and Designation of Receiver (if any appointed), and Date of Appointment.	Time and Place for electing Trustee.	Trustee's Name and Designation.	Inspectors Names and Designation.	Time and Place of Bankrupt's Examination.	Assets stated in Bankrupt's Statement.	Assets estimated by Trustee.	Debts proved. Secured over Bankrupt's Estate.	Debts proved. Unsecured over Bankrupt's Estate.	Funds realized at Date of fixing each Dividend.	Funds divided at each Dividend, and Date thereof.	Expenses. Trustee's Commission.	Expenses. Solicitor's Charges.	Expenses. Rent, Wages, &c.	Expenses. Miscellaneous.	Date of Bankrupt's Discharge.	Date of Stay of Proceedings for Arrangement.	Date of Trustee's Discharge.

SCHEDULE (D. a.)

THE BANKRUPTCY ACT, 1866.

General Docket Book.

Name of Bankrupt.	Residence.	Trade.	Petitioning Creditor.	Solicitor.	Date of filing Petition.	Commissioner or Court.	Date of Adjudication.	When advertised.	When annulled.	Time allowed to Petitioning Creditor for Proceeding extended.	Proceedings consolidated, impounded, or transferred (as the Case may be).	Proceedings stayed for Arrangement.	Arrangement approved by Court.	Date of Discharge.

SCHEDULE (E. a.)

THE BANKRUPTCY ACT, 1866.

Warrant against any Person disobeying any Rule or Order of Court.

Whereas by a Rule [*or* an Order] of this Court, bearing Date the Day of made for enforcing the Purposes and Provisions of the Bankruptcy Act, 1866, [*or if of any other Act hereafter in force relating to the Subject Matters of this Act, or made or entered into by Consent for carrying into effect any of such Purposes or Provisions, alter the Recital accordingly*], it was ordered, That, [*&c. &c. as in the Rule or Order*] :

And whereas it is now proved that after the making of the said Rule [*or* Order], that is to say, on this Day of , a Copy of the said Rule [*or* Order] was duly served on the said personally, and the original Rule [*or* Order] at the same Time shown to him, but the said then refused [*or* neglected] to obey the same, and hath not as yet obeyed the said Rule [*or* Order]

These

These are therefore to will, require, and authorize you immediately upon Receipt hereof to take into your Custody the Body of the said *A.B.*, and him safely to convey to Her Majesty's Gaol [*or* Prison] of [*or* called], and him there to deliver to the Keeper of the said Prison, together with this Precept; and the Keeper of the said Prison is hereby required and authorized to receive the said *A.B.* into his Custody, and him safely to keep and detain, without Bail or Mainprise, until this Court, or the Court of Appeal in Bankruptcy, shall make Order to the contrary; and for so doing this shall be your sufficient Warrant.

Given under my Hand and the Seal of the Court at the Court of Bankruptcy, London, this Day of in the Year of our Lord One thousand eight hundred and .

(L.S.) *A.B.*,
Judge.

To or his Assistant, and to the Keeper of Her Majesty's Prison [*or* Gaol] of [*or* called], or his Deputy there.

Bankruptcy Law Amendment, &c.

A

B I L L

To amend and consolidate the Law relating to Bankruptcy in England, and to abolish Imprisonment for Debt on Final Process.

(*Prepared and brought in by Mr. Attorney General, Mr. Solicitor General, and Sir George Grey.*)

Ordered, by The House of Commons, *to be Printed,* 16 *April* 1866.

[Bill 106.]

Under 17 *oz.*

Bankruptcy Law Amendment, &c. Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES,

WITH REFERENCES TO CORRESPONDING CLAUSES IN THE EXISTING ACTS.

[N.B.—The leading Statutes of which the Provisions are consolidated in this Bill are indicated by the Year in which they were passed: 12 & 13 Vict. c. 106. (1849), 24 & 25 Vict. c. 134. (1861), 25 & 26 Vict. c. 99. (1862). The Scottish Statutes, of which the Provisions are adopted in the Bill, are the 19 & 20 Vict. c. 76. (Scot. 1856), 20 & 21 Vict. c. 19. (Scot. 1857).

The Clauses of existing Statutes thus referred to are those which correspond to the Clauses of this Bill, but subject to the Alterations, in some Cases verbal, in others material, which have been made in adapting the Rules of former Acts to the Principles which this Bill embodies, and to various other Amendments, for the Purpose of removing Defects proved by Experience to exist in the present Acts.]

Clause.		Corresponding Clauses in the existing Acts.
	Preamble.	
1.	Short Title and Commencement.	
2.	Repeal of Acts.	
3.	Vesting of Courts and Buildings	1849, s. 64; 1861, s. 68.
4.	Bankruptcies and Insolvencies prior to this Act to be prosecuted under repealed Acts.	Scot. 1856, s. 3.
5.	Bankruptcies subsequent to this Act to be prosecuted under this Act.	Scot. 1856, s. 3.
	The Court of Bankruptcy and Court of Appeal.	
6.	The Court of Bankruptcy continued for the Purposes of this Act, and to continue a Court of Record, &c.	1849, s. 6; 1861, s. 1.
7.	Limits of the Bankruptcy Districts	1849, s. 9.
8.	Jurisdiction of County Courts under this Act	1861, ss. 3, 5, 6.
9.	Power to increase Number of County Court Judges, &c. —CLAUSE A.	1861, s. 5.
10.	Appointment and Qualifications of such new Judges. —CLAUSE B.	1861, s. 6.
11.	Power to transfer Jurisdiction, &c. of Commissioners to County Courts in case of Vacancies.	1861, s. 4.
12.	Court of Appeal	1849, s. 13. 14 & 15 Vict. c. 83. 1861, ss. 59, 60. 21 & 22 Vict. c. 27. ss. 3, 6. 25 & 26 Vict. c. 42.
13.	Decrees, &c. of the said Court of Appeal may be appealed from to the House of Lords.	14 & 15 Vict. c. 83. s. 10.
	Commissioners and Registrars of the Court.	
14.	Existing Commissioners to be continued	1861, s. 2.
15.	Vacancies in Country Districts not to be filled up. Commissioners in London to be reduced to Two.	

Clause.		Corresponding Clauses in the existing Acts.
16.	Chief Registrar, &c. to hold Office during good Behaviour, and Vacancies to be filled up by Lord Chancellor - - - -	1861, s. 8. 17 & 18 Vict. c. 119. s. 45. 15 & 16 Vict. c. 77.
17.	Oath to be taken - - - - -	1 & 2 W. 4. c. 56. s. 8; 1861, s. 7.
18.	Power to appoint additional Registrars - -	1861, s. 9.
19.	As to Duties of County Court Registrars - -	1861, s. 10.
20.	Lord Chancellor may attach the Commissioners, &c. acting in the Country to such Districts as he shall think fit, &c.	1849, s. 11.
21.	In case of Illness, &c. of Commissioner, Registrar may act for him.	1849, s. 27.
22.	Registrars may act for each other, &c. - -	1849, s. 30. 17 & 18 Vict. c. 119. s. 7.
	Taxing Master.	
23.	Lord Chancellor empowered to appoint a Taxing Officer. Tenure of Office, Duties, and Removal.	7 & 8 Vict. c. 96. s. 45.
24.	Bills to be taxed - - - - -	1861, s. 13.
25.	Registrars in Country Districts to be Taxing Officers.	1861, s. 14.
	Comptroller in Bankruptcy.	
26.	Appointment of Comptroller in Bankruptcy -	Scot. 1856, s. 156.
27.	To superintend the Conduct of Trustees and Inspectors.	Scot. 1856, s. 159.
28.	To report Disobedience - - - -	Scot. 1856, s. 161.
29.	In case of Illness, &c. of Comptroller, Lord Chancellor to appoint a Deputy.	Scot. 1856, s. 163.
	Accountant in Bankruptcy.	
30.	Accountant to have Superintendence, &c. of Funds -	1849, s. 31.
31.	Upon Vacancy occurring Office of Accountant in Bankruptcy to be abolished.	1861, s. 12.
32.	Accounts kept at Bank of England called "The Bankruptcy Fund Account," and "Chief Registrar's Account," to be subject to Orders of Lord Chancellor.	1849, s. 33.
33.	Securities may be purchased. Lord Chancellor may order Securities purchased to be sold in certain Cases.	1849, ss. 34, 35.
34.	If Securities at any Time insufficient to answer the Demands of any Bankrupt, &c., the Sum taken for the Purposes of this Act to be made good by Parliament.	1849, s. 55.
35.	Incidental Expenses.	1861, s. 36.
	Other Officers of the Court, and Clerks.	
36.	Provision as to Offices of Official Assignee and Messenger, &c.	
37.	Ushers.	

38. Present

Clause.		Corresponding Clauses in the existing Acts.
38.	Present Clerks of Chief Registrar, Accountant, and Master of Court of Bankruptcy to continue, and on Vacancy Lord Chancellor to appoint.	
	Disqualification of Officers.	
39.	Disqualification to sit in Parliament. Exemption from Juries, &c. - - - - -	1849, s. 47. 1 & 2 W. 4. c. 56. s. 51. 5 & 6 Vict. c. 122. s. 62. 1862, s. 4.
	Salaries and Compensations.	
40.	Salaries of Officers of Court of Bankruptcy - -	1861, ss. 29, 57. 17 & 18 Vict. c. 119. s. 10.
41.	Superannuation Allowances - - -	1861, s. 33., and Bill of this Session cited.
42.	Pensions to Holders of abolished Offices.	
43.	Compensation to Clerks.	
44.	Provision as to Annuitants accepting other public Offices.	1849, s. 57; 1861, s. 34.
45.	Compensations to be paid by Treasury - -	1861, s. 35.
	Practice of the Court.	
46.	Sittings of the Court. Lord Chancellor to regulate Sittings in Vacation.	1861, ss. 48, 49.
47.	Commissioners may sit at Chambers - -	1861, s. 51.
48.	Registrars, their Powers and Jurisdiction. Registrars to sit in Chambers. County Courts Registrars.	1861, s. 52.
49.	Courts may direct Registrar to hold Meetings, &c. Expenses of such Registrar, &c. Powers of Registrar so acting.	1861, s. 58.
50	Penalties upon Parties and Witnesses not attending, &c.—CLAUSE C.	1861, s. 54.
51.	Persons refusing to answer may be referred to Commissioner.	1861, s. 55.
52.	Parties may take Opinion of the Commissioner. Certificates of Registrars at Chambers to be binding.	1861, s. 53.
53.	Special Case - - - - - -	1861, s. 56.
54.	Payment of Money by Party on Judgment being given.	1861, s. 57.
55.	Orders in England to be enforced in Scotland and Ireland; and conversely.	1861, s. 219.
56.	Sealing and Signature of Warrants. Records and Proceedings to be sealed.	1861, ss. 63, 64.
57.	Solicitors of the Court of Chancery may practise in Bankruptcy, and appear and plead without Counsel.	1861, s. 212.
58.	Power to award Costs. Remedies for recovering Costs. Order for Costs must be registered, &c. under 23 & 24 Vict. c. 38. and 27 & 28 Vict. c. 112.	1861, s. 213.

Clause.		Corresponding Clauses in the existing Acts.
	Evidence.	
59.	Evidence how to be taken - - - -	1861, s. 50.
60.	Attendance on Examinations before a Registrar.—CLAUSE D.	
61.	Mode of taking down Examinations before Registrar.—CLAUSE E.	
62.	Appointment of Shorthand Writers. Declaration to be made by Shorthand Writer.	1861, ss. 61, 62.
63.	Affidavits, Declarations, &c. before whom to be sworn. Judicial Notice of Seal or Signature thereto.	1861, s. 207.
64.	The Courts of Bankruptcy in England to be auxiliary for the Purpose of taking Affidavits to be used elsewhere.	1861, s. 208.
65.	As to Fees on taking Oaths, or making Declarations in Bankruptcy.	1861, s. 209.
66.	Affidavits by Prisoners - - - - -	1861, s. 210.
67.	Provisions of 17 & 18 Vict. c. 34. as to Attendance of Witnesses out of Jurisdiction extended to Court of Bankruptcy.	1861, s. 217.
68.	Courts in Scotland to be auxiliary to the Court in England in the Examination of Witnesses, &c. Proceedings for that Purpose.	1861, s. 216.
69.	Courts in Ireland to be auxiliary in like Manner -	1861, s. 217.
70.	Courts in England to be in like Manner auxiliary to Courts in Scotland, Ireland, and elsewhere.	1861, s. 220.
71.	Petitions and other Proceedings in Bankruptcy, and Copies, purporting to be sealed with the Seal of the Court, admissible in Evidence.	1861, s. 203.
72.	Judicial Notice to be taken of Signature of Commissioner or Registrar and Seal of Court.	1861, s. 204.
73.	Evidence as to Insolvency, &c. abroad - -	1861, s. 206.
74.	Advertisements, when Evidence - - -	1849, s. 240.
75.	On Death of Witness, Office Deposition or Copy thereof to be Evidence.	1849, s. 242.
	Practice in Appeals.	
76.	Orders of Court subject to Appeal, except as herein provided.	1849, s. 12; 1861, s. 66.
77.	Appeals, &c. to be entered in Office of Chief Registrar, &c.	1849, s. 17.
78.	Proceedings not to be stayed by Appeal.	
	General Orders.	
79.	Purposes for which General Orders are to be framed	1861, s. 45.
80.	General Orders in County Courts - -	1861, s. 46.
81.	Alteration of General Orders. All General Orders to be laid before Parliament.	1861, s. 47.
	Fees and Stamps.	
82.	General Orders to direct what Fees to be paid. Fees to be received in Stamps.	1861, ss. 39, 40.
83.	Certain Documents to be on stamped Vellum, &c. in lieu of Fees.	1861, s. 41.

Clause.		Corresponding Clauses in the existing Acts.
84.	Documents not to be received without a Stamp. Proviso where so received through Mistake.	1861, s. 42.
85.	Commissioners of Inland Revenue to give the necessary Directions, to keep separate Accounts, &c., and to pay over Monies received to Bank of England.	1849, s. 49.
86.	Commissioners of Inland Revenue may appoint Persons for Sale and Distribution of Stamps, and make Allowance for spoiled Stamps.	1849, s. 50.
87.	Provisions of Acts relating to Stamps to be applied to the Stamps to be provided under this Act.	1849, s. 51.
88.	Deeds and other Instruments relating to Bankruptcy not liable to Stamp Duty.	1849, s. 138.
89.	Officers, &c. taking Fees improperly - -	1861, s. 43.
90.	Officers of the Court may be dismissed for Fraud or wilful Neglect in relation to Stamps.	1861, s. 44.
	Abolition of Imprisonment for Debt.	
91.	Arrest upon Final Process in an Action for Debt or Decree in Equity abolished.	
92.	Discretion of County Court Judge under 8 & 9 Vict. c. 127. and 9 & 10 Vict. c. 95.	1861, s. 105.
93.	Persons in Execution at the Time of passing this Act shall be discharged on Application to a Judge. Proviso for Discharge fraudulently obtained. Sheriffs, &c. not liable as for Escape. Judgment, &c. to remain in force notwithstanding the Discharge of the Debtor.	7 & 8 Vict. c. 96. s. 58.
94.	Compensation to Persons who may lose Emoluments	7 & 8 Vict. c. 96. ss. 70, 71.
	Acts of Bankruptcy.	
	1. Of any Person.	
95.	Person going or remaining abroad, or making fraudulent Conveyance, with Intent to defeat or delay his Creditors.	1861, s. 70.
96.	Debtor lying in Prison or escaping out of Prison -	1861, s. 71.
97.	Debtor filing a Declaration that he is unable to meet his Engagements.	1861, s. 72.
98.	Petition by or against Debtors followed by Adjudication in the Foreign Dominions of the Crown.	1861, s. 75.
	2. Of Traders only.	
99.	Departing the Dwelling, absenting, beginning to keep House, fraudulent Execution.	1849, s. 67.
100.	Compounding with Petitioning Creditor - -	1849, s. 71.
101.	Suffering Execution to be levied - - -	1861, s. 73.
	3. On Trader Debtor Summons.	
102.	On Creditor making Affidavit of his Debt, and of his having given Notice requiring immediate Payment, &c., Court may summon the Trader. Notice, &c. in Cases of Partnership.	1849, s. 78.

Clause.		Corresponding Clauses in the existing Acts.
103.	Manner of proceeding upon the Appearance of the Trader.	1849, s. 79.
104.	Admission of Debt signed elsewhere than in Court, if attested by Trader's Attorney, to have the same Force as an Admission signed in Court.	1849, s. 84.
105.	Acts of Bankruptcy on Trader Debtor Summons -	1849, ss. 80, 83.
106.	Acts of Bankruptcy on Admission of Debt - -	1849, ss. 81, 82.
107.	Court may award Costs to the Creditor or the Trader summoned.	1849, s. 85.
108.	If Creditor bring an Action, and do not recover the Amount sworn to in his Affidavit of Debt, and if the Affidavit be made for such Amount without probable Cause, the Defendant in the Action shall be entitled to Costs.	1849, s. 86.
	Proceedings to obtain Adjudication of Bankruptcy.	
	1. Proceedings by Petition.	
109.	Any Creditor may petition, but no Debtor may -	1849, s. 88.
110.	What shall be considered Debts for such Purpose -	1861, ss. 89, 97.
111.	Form of Petition and Affidavit - - -	1849, s. 89.
112.	Court in which to be filed - - -	1861, s. 88, and in substitution for s. 94.
113.	Power to consolidate, impound, and transfer Proceedings upon Petitions.	1861, s. 88.
114.	Before Ajudication against a Debtor under Section 90. the Petition to be served.	1861, s. 70.
115.	Court may before Adjudication summon Witnesses to prove Act of Bankruptcy.	1849, s. 100.
116.	Court to make Adjudication, &c. upon Proofs of requisite Conditions.	1849, s. 101.
117.	Where Petitioner does not proceed, Power for Court to adjudicate. Court may proceed notwithstanding Death of Bankrupt.	1861, s. 96; 1849, s. 116.
118.	Petitioning Creditor to proceed at his own Costs until Election of Trustee.	1849, s. 114.
	2. Proceedings by Judgment Debtor Summons.	
119.	Judgment Debtor Summons, who may sue it out, and when.	1861, s. 76.
120.	The like, in Cases of Disobedience to Decree in Equity, or Order in Bankruptcy, or Lunacy.	1861, s. 77.
121.	Court out of which such Summons shall issue -	1861, s. 78.
122.	Service of Summons - - - - - - - -	1861, ss. 79, 80.
123.	Where Service cannot be effected, &c., Court may order Notice in Gazette, &c.	1861, s. 81.
124.	Procedure upon Appearance of Debtor - -	1861, s. 82.
125.	Debtor refusing to conform may be committed -	1861, s. 85.
126.	Adjudication upon Summons, and Nonpayment or for Failure to appear. Stamp Duty thereupon.	1861, ss. 83, 84.

Clause.		Corresponding Clauses in the existing Acts.
	3. Proceedings in respect of Adjudication abroad.	
127.	Where Debtor who has been adjudged bankrupt, &c. in India or the Colonies resides or has Property in England, &c., Power to obtain Adjudication in England, &c., and Proceedings thereupon.	1861, s. 218.
	4. Proceedings by or against Partnerships.	
128.	Petition by the public Officer of Copartnership -	1861, s. 92.
129.	Petitions may be presented against One or more Partners in a Firm; and Petitions against Two or more Persons may be dismissed as to One or more without affecting the rest.	1849, s. 97.
130.	In Cases of a Second or other Petition against One or more Members of a Firm, the same shall be prosecuted in the Court in which the first was prosecuted, &c.	1849, s. 98.
	Notice and annulling of Adjudication.	
131.	No Adjudication to be dismissed by reason only of Concert.	1849, s. 115.
132.	Bankrupt to have Notice thereof before Advertisement of Adjudication, and to be allowed Seven Days, or such extended Time, not exceeding Fourteen Days, as the Court shall think fit, to show Cause against Adjudication.	1849, s. 104.; 1861, s. 84.
133.	When Notice of Adjudication need not be served on Bankrupt.	1861, s. 83.
134.	If Bankruptcy not disputed within certain Time, Gazette to be conclusive Evidence.	1849, s. 233.
	Interim Preservation of Estate.	
135.	In case Debtor against whom a Petition has been filed be about to quit England, or to remove or conceal his Goods, with Intent to defraud Creditors, he may be arrested and his Goods seized.	1849, s. 99.
136.	Court may take Measures to preserve Estate - -	Scot. 1856, s. 16.
137.	After Adjudication the Bankrupt's Papers may be sealed up - - - - - -	Scot. 1856, s. 17. 1861, s. 120.
	Transfer of Proceedings.	
138.	Petition not to be dismissed for Error in Selection of Court.	
139.	Petition filed in County Court may be transferred to Court of Bankruptcy.	1861, s. 94.
140.	Petition may be transferred to more convenient District.	1861, s. 88.
141.	Procedure on Transfer.	
142.	Appeal against Transfer.	

Clause.		Corresponding Clauses in the existing Acts.
	Election of Trustee and Inspectors.	
143.	Order to appoint the First Meeting of Creditors. Which shall be intimated in Gazette Notice of Adjudication.	Scot. 1856, s. 67.
144.	If Time for disputing Adjudication enlarged, new Day to be fixed.	
145.	Procedure at Meeting - - - -	Scot. 1856, s. 68.
146.	Election of Trustee - - - -	Scot. 1856. s. 68.
147.	Judgment of Registrar or Commissioner as to Trustee.	Scot. 1856, s. 69.
148.	When Registrar not present - - -	Scot. 1856, s. 70.
149.	Judgment of Registrar or Commissioner as to Trustee to be final.	Scot. 1856, s. 71.; 1857, s. 4.
150.	Security to be given by Trustee - - -	Scot. 1856, s. 72; 1861, s. 122.
151.	Certificate of Appointment of Trustee. To be a complete Title.	Scot. 1856, s. 73; 1849, s. 89; 1861, s. 123.
152.	Election of Inspectors - - - -	Scot. 1856, s. 75.
153.	Trustee may be a Creditor, but Bankrupt's Relation, &c. disqualified, and the like as to Inspectors.	Scot. 1856, ss. 68, 75.
154.	Removal or Resignation of Trustee. Election of a new Trustee.	Scot. 1856, s. 74; 1861, ss. 124, 125.
155.	Removal or Resignation of Inspector.	Scot. 1856, ss. 75, 76.
	Proof of Debts.	
	1. General Rules.	
156.	Bonâ fide Creditors, in respect of Debts contracted after an Act of Bankruptcy, may prove.	1849, s. 165.
157.	Notice of Acts of Bankruptcy to Agents of Corporate Bodies, &c.	1849, s. 87.
158.	Proving Debt to be an Election not to proceed against Bankrupt by Action.	1849, s. 182.
	2. Debts liquidated or certain.	
159.	Set-off - - - - - -	1849, s. 171.
160.	Interest - - - - -	1849, s. 180.
161.	Discount - - - - - -	1849, s. 182.
162.	Costs, &c. - - - - - -	1849, s. 181; 1861, s. 149.
163.	Debt payable by Instalments - - -	1861, s. 151.
164.	Rent and other Payments falling due at fixed Periods	1861, s. 150.
165.	Goods pledged by Agent - - - -	1849, s. 179.
166.	Partner of Two Firms - - - -	1861, s. 152.
167.	Bottomry or Respondentia Bonds and Policies of Assurance.	1849, s. 174.
	3. Debts contingent or unliquidated.	
168.	Premiums upon Policies of Insurance - -	1861, s. 154.
169.	Contingent Debt or Liability to be valued - -	1849, s. 177.
170.	Unliquidated Damages - - - -	1861, s. 156.
171.	Annuity Creditors - - - -	1849, s. 175.

4. When

Clause.		Corresponding Clauses in the existing Acts.
	4. When arising from Guarantee by Sureties.	
172.	Sureties for Payment of Annuities - - -	1849, s. 176.
173.	Sureties for the Bankrupt - - -	1849, s. 173.
	5. When secured on Bankrupt's Property.	
174.	Security not available unless by Mortgage, &c. -	1849, s. 184.
175.	Securities over Estate to be valued - - -	Scot., 1856, s. 59.
176.	Valuation of Securities with a view to a Dividend -	Scot., 1856, s. 65.
	6. Further Deductions from Proof for voting.	
177.	Valuation of collateral Securities - - -	Scot., 1856, s. 60.
178.	Trustee may require a Conveyance of Security by Creditor on 20 per Cent. Addition to his own Valuation. Creditor may correct Valuation by new Proof.	Scot., 1856, s. 62.
179.	Joint Creditor entitled to prove under separate Estate, for the Purpose of voting in the Choice of Assignees.	1849, s. 140.
180.	Persons acquiring Debts after Adjudication not to vote for Trustee.	Scot., 1856, s. 64.
	7. Manner of Proof of Debts.	
181.	When and how Debts may be proved. Declaration for Proof of Debt.	1861, s. 144.
182.	Admission of Proofs for voting - - -	
183.	When Valuation requisite - - - -	Scot., 1856, s. 156.
184.	Admission of Proofs for Dividends. Proof may be expunged or reduced.	Scot., 1856, s. 156.; 1861, s. 155.
185.	Provision for Correction of Proof - - -	Scot., 1856, s. 51.
	Examination of Bankrupt.	
186.	Examination of Bankrupt - - - -	Scot., 1856, s. 87.
187.	Court may issue Warrant to arrest Bankrupt -	1849, ss. 117, 112.
188.	Examination - - - - -	1849, s. 117.
189.	The Bankrupt to prepare a Statement of Accounts	1861, s. 141. Scot., 1856, s. 81.
190.	Statement of Accounts to be open to Creditors -	1861, s. 142.
191.	Bankrupt to make out Statement without Assistance, except under special Circumstances.	1861, s. 143.
	Examination of other Parties.	
192.	Court may summon other Persons - - -	1849, ss. 118, 120.
193.	Service of Summons where Persons keep out of the way.	1849, s. 121.
194.	Court may order Letters addressed to Bankrupt to be delivered to Trustee.	1849, s. 124.

195. Witnesses

Clause.		Corresponding Clauses in the existing Acts.
195.	Witnesses and Persons known or suspected to have Bankrupt's Property, &c. entitled to Costs of Attendance, &c.	1849, s. 250.
	Commitment of Bankrupt or Witness.	
196.	Penalty on Refusal to answer	1849, s. 260.
197.	Examination of Persons summoned	1849, s. 122.
198.	Form of Warrant for Commitment of Bankrupt or Witness. Copy of his Examination to be delivered to Person committed.	1861, s. 112.
199.	Discharge of Person committed	1861, s. 113.
	Second and subsequent Meeting of Creditors.	
200.	Calling of Second Meeting. Report by Trustee	Scot., 1856, s. 96.
201.	Powers of Creditors over Estate	Scot., 1856, s. 96.
202.	How Meetings to be called	Scot., 1856, s. 98.
203.	Notice of Meetings. No Notice to be sent in certain Cases.	Scot., 1856, ss. 99, 100.
204.	Rules as to computing Majorities. Proxies for Creditors may vote.	Scot., 1856, ss. 101, 63; 1861, s. 229.
	General Duties of Trustee and Inspectors.	
205.	Trustee to take possession of Estate and Books, and make up Inventory.	Scot., 1856, s. 80.
206.	Trustee to recover Funds of Estate.	Scot., 1856, s. 82.
207.	To be paid by Commission, but not to be entitled to charge for Assistance.	Scot., 1856, s. 125.
208.	Penalty on Trustee retaining Funds	Scot., 1856, s. 83.
209.	Trustee to keep a Minute Book, and send Copy of Accounts to Comptroller.	Scot., 1856, s. 84.
210.	Duties of Inspectors	Scot., 1856, s. 85.
211.	Receiver, Trustee, and Inspector amenable to Court	Scot., 1856, s. 86.
	Appeals from Resolutions of Creditors or Decisions of Trustee or Inspector.	
212.	Creditor, Inspector, or Trustee may appeal to Court. Power to rescind or vary.	Scot., 1856, s. 169.
	Vesting of Estate in Trustee.	
213.	Real Estate to vest in Trustee	1849, s. 142.
214.	When a Conveyance of the Property of a Bankrupt would require to be registered, the Certificate of Appointment of the Trustee shall be registered.	1849, s. 143.
215.	Clauses in 3 & 4 W. 4. c. 74. extended to Proceedings under Petition for Adjudication.	1849, s. 208.
216.	Copyhold and Customary Lands of Bankrupt, Vendees of Copyhold Lands shall compound with the Lord for their Fines.	1861, s. 114.; 1849, s. 210.

Clause.		Corresponding Clauses in the existing Acts.
217.	Bankrupt not liable to Rents or Covenants in Conveyances, Leases, &c.; and if Trustee decline to determine whether he will accept Conveyance, &c., any Person entitled may apply to the Court. Trustees may elect to take Lease for limited Period.	1849, s. 145 ; 1861, s. 131.
218.	Trustee may execute Powers previously vested in Bankrupt.	1849, s. 147.
219.	Bankrupt not to execute Powers.—CLAUSE F.	
220.	Life Estates in Remainder, &c. - - - - -	1861, s. 115.
221.	Personal Estate to vest in Trustees - - -	1849, s. 141.
222.	Where Bankrupt beneficially entitled to Stock Transfer to be made to Trustee. Any Treasurer, &c. or Agent of the Bankrupt to deliver all Monies, &c.	1849, s. 128, 132.
	Realization of Estate.	
223.	Titles to Property sold not to be impeached, unless Proceedings taken to annul, and duly prosecuted.	1849, s. 131, 148.
224.	Conditional Estates granted by the Bankrupt may be redeemed by Trustees.	1849, s. 149.
225.	Mortgagee may bid at Sale - - - - -	1861, s. 132.
226.	Portion of Pay, Half Pay, Salary, or Pension of Bankrupt to be applicable for Creditors.	1861, s. 134.
227.	Sequestration of Profits of Benefice of bankrupt Clergyman may be obtained.	1861, s. 135.
228.	Search Warrants may be issued - - - -	1849, s. 106.
229.	No Action to be brought against Persons acting in obedience to Warrant of the Court. Proof in such Actions that Defendant is Trustee sufficient to render him liable.	1849, s. 107, 108.
230.	Person holding Warrant may break open the Bankrupt's Doors, &c. and seize upon Property.	1849, s. 109.
231.	Execution of Warrant in Scotland or Ireland -	1849, s. 110, 111.
232.	Power to mortgage or pledge Bankrupt's Property -	1861, s. 133.
233.	Power to sell Bankrupt's Book Debts, Goodwill, &c.	1861, s. 137.
234.	Goods in the Possession, Order, or Disposition of the Bankrupt to be deemed his Property. Proviso for Assignment of Vessels.	1849, s. 125.
235.	Court may order Payment of Debts admitted to be due to Bankrupt. Such Order to have Effect of Judgment.	1849, s. 123.
236.	Concealing Bankrupt's Effects. Allowance to Persons making Discovery. Latent Partner.	1849, s. 269. Scot., 1856, s. 94.
	Conveyances or Contracts by the Bankrupt.	
237.	Power of Court over certain Conveyances, &c. made by Bankrupt.	1849, s. 126.
238.	Court may proceed when the Bankrupt by Fraud makes himself accountable to the Crown.	1849, s. 127.

Clause.		Corresponding Clauses in the existing Acts.
239.	Payments, Conveyances, Contracts, &c., Executions against Lands (if executed by Seizure), and against Goods (if executed by Seizure and Sale), to be valid, if no Notice of prior Act of Bankruptcy; but nothing herein to give Validity to Payments, &c. by way of fraudulent Preference.	1849, s. 133.
240.	Bonâ fide Purchases not to be impeached by Notice of Acts of Bankruptcy, unless Petition filed within Twelve Months after the Act of Bankruptcy.	1849, s. 134.
241.	Execution levied before filing Petition - -	1861, s. 73.
242.	Distress not to be available for more than One Year's Rent due; Landlord to prove for the Residue.	1849, s. 124.
243.	Claims to Goods taken under Warrant of Seizure, &c. in County Court to be adjudicated by Interpleader in that Court.—CLAUSE G.	
244.	Claimant to deposit Value or pay Costs of keeping Possession, otherwise Goods to be sold.—CLAUSE H.	
245.	Provision for summary Determination of Claims to Goods in County Court.—CLAUSE I.	
246.	Certain Warrants of Attorney, &c. given within Two Months of filing Petition to be null and void.	1849, s. 135.
247.	Petitioning Creditor compounding with Debtor after Bankruptcy.	1849, s. 268.
248.	Where Bankrupt is a Trustee, the Lord Chancellor may order Conveyance or Assignment to another Trustee.	1849, s. 130.
	Actions by or against Trustee.	
249.	Trustee may institute or defend Actions or Suits, and compound for Debts due to the Estate, or submit Disputes to Arbitration. Reference to Arbitration may be made a Rule of Court.	1849, s. 153, 154. Scot., 1856, s. 82, 85.
250.	Court may authorize Action in Name of Trustee and of the Partner of Bankrupt. Partner to have Notice, and be at liberty to show cause. Court may direct Partner to have Part of Proceeds.	1849, s. 152.
251.	If Adjudication be annulled, &c. Persons from whom the Trustee has recovered, &c. discharged from Claims by the Bankrupt.	1849, s. 155.
252.	Suits not to abate by Death or Removal of Trustee	1849, s. 157.
253.	If Trustee commences Action before Time allowed to dispute the Bankruptcy has elapsed, Debtor to Estate may pay Money into Court.	1849, s. 158.
254.	Limitation of Actions. General Issue. Costs -	1849, s. 159.
255.	In Actions no Proof required of Petitioning Creditor's Debt, Trading, or Act of Bankruptcy, unless Notice be given.	1849, s. 234.
256.	The same in Suits in Equity - - -	1849, s. 235.
	Payments to be made in priority.	
257.	One Year's Parochial Rates to be paid in full. Payment of Assessed Taxes.	1861, s. 150; 1849, s. 166.
258.	Monies belonging to any Friendly Society - -	1849, s. 167.

Clause.		Corresponding Clauses in the existing Acts.
259.	Monies due to Trustees of Savings Banks.—CLAUSE K.	26 & 27 Vict. c. 87. s. 14.
260.	Three Months Wages or Salary to Clerks or Servants. Wages not exceeding Forty Shillings to Labourer or Workman.	1849, ss. 168, 169.
261.	Apprentices to Bankrupts discharged from their Indentures. Sum to be paid in respect of Apprentice Fees.	1849, s. 170.
	Payment of Dividend.	
262.	Trustee to make up and exhibit to Inspectors Statement of Funds. Inspectors to resolve as to Payment of Dividend, &c.	Scot., 1856, s. 125.
263.	Trustee to examine and reject or admit Claims, and make up List of Creditors entitled to Payment of Dividend; and to publish and send Notices of Payment of Dividend. Creditors may appeal within a limited Period.	Scot., 1856, ss. 126, 127.
264.	Trustee to make up a Statement of Division - -	Scot., 1856, s. 128.
265.	Dividends to be paid, and those disputed or claimed by contingent Creditors to be lodged in Bank.	Scot., 1856, s. 129.
266.	Trustee to make up Statement, &c., and Inspectors to resolve as in case of First Dividend.	Scot., 1856, ss. 130, 131.
267.	Same Proceedings as in prior Dividends - -	Scot., 1856, s. 132.
268.	Dividends may be accelerated in certain Cases -	Scot., 1856, s. 133.
269.	Proceedings when Inspectors postpone the Dividend	Scot., 1856, s. 134.
270.	Where Estate is chiefly Land Periods of Payment may be altered.	Scot., 1856, s. 135.
271.	Creditors proving before Second Dividend to receive also Equivalent for First Dividend.	Scot., 1856, s. 123.
272.	Creditor resident abroad may prove at later Periods	Scot., 1856, s. 124.
273.	No Action to be brought for Dividends, but the Remedy to be by Application to the Court.	1849, s. 190.
274.	Unclaimed Dividends - - - -	1861, s. 184. Scot., 1856, s. 153.
275.	Surplus to be paid to Bankrupt - - - -	1849, s. 197. Scot., 1856, s. 155.
	Allowances to the Bankrupt.	
276.	Allowance to Bankrupt for Maintenance - -	1849, s. 194. Scot., s. 78.
277.	Allowance to Bankrupt on Discharge - -	1849, s. 195.
278.	One Partner may receive Allowance although other not entitled.	1849, s. 196.
	Bankrupt's Discharge.	
279.	Proceedings for Bankrupt's Discharge - -	Altered from Scot., 1856, s. 146. et seq.
280.	Discharge after Six Years.	
281.	Rehearing of Order of Discharge - - -	1861, s. 168.
282.	If Order suspended on Rehearing, subsequent Creditors to prove first against subsequent Property.	1861, s. 169.
283.	Order, when to be drawn up - - -	1861, s. 70.
284.	Appeal against Decision - - - -	1861, s. 171.
285.	Effect of Discharge - - - -	1861, ss. 161, 164.

Clause.		Corresponding Clauses in the existing Acts.
286.	If Trustee indebted to Bankrupt's Estate become bankrupt, his Discharge shall not discharge his future Effects in respect of such Debt.	1849. s. 156.
287.	Effect of Order in case of Partners, &c. - -	1861, s. 163.
288.	Contract or Security with Intent to induce Creditor to forbear Opposition. Proviso.	1861, s. 166.
289.	Penalty for obtaining Money, Goods, &c. as an Inducement to forbear Opposition to Discharge.	1861, s. 167.
	Trustee's Discharge.	
290.	Proceedings for Trustee's Discharge - -	Scot., 1856, ss. 152, 153
	Change from Bankruptcy to Arrangement.	
291.	Creditors may resolve that Estate ought to be wound up under Deed of Arrangement, &c.	1861, s. 185.
292.	Resolution to be reported to the Court. Power to Court to confirm.	1861, s. 186.
293.	Court to make a Declaration of complete Execution of Deed of Arrangement, and to direct it to be registered; and to annul Bankruptcy. Deed, if so registered, to be binding on Creditors not executing.	1861, s. 187.
294.	Court to have Jurisdiction to entertain Applications of Bankrupt or any Party to the Deed respecting Bankrupt's Estate and Affairs. Questions under the Deed to be decided according to Law of Bankruptcy.	1861, s. 188.
295.	Where Bankruptcy to proceed as if no Resolution had been passed.	1861, s. 190.
296.	Where Bankruptcy annulled - - - -	1861, s. 191.
	Trust Deeds for Benefit of Creditors, Composition and Inspectorship Deeds.	
297.	What Deeds to be valid, and upon what Conditions	1861, s. 192.
298.	Particulars of Deed to be entered by the Chief Registrar. Copy of Entry to be published in the Gazette.	1861, s. 193.
299.	Deed to be registered in the Court of Bankruptcy, and in default not to be received in Evidence.	1861, s. 194.
300.	Memorandum of Registration - - -	1861, s. 196.
301.	Jurisdiction of the Court, and Rights and Liabilities of the Parties after Registration of Deed.	1861, s. 197.
302.	Memorandum of Alteration of Deed referred to in Section 287 may be executed by Majority of Creditors, and approved by Court.	
303.	Debtor's Property not thereafter liable - -	1861, s. 198.
304.	Stay of Proceedings in Bankruptcy after Execution of Deed till Registration.	1861, s. 199.
305.	Provision in case Debtor cannot obtain Assent of requisite Majority of Creditors.	1861, s. 200.

Clause.		Corresponding Clauses in the existing Acts.
	Registers and Returns.	
306.	Comptroller to keep Register of Bankruptcies -	Scot., 1856, s. 157.
307.	To superintend annual Returns. To frame Report -	Scot., 1856, s. 160.
308.	Trustee to make an annual Return to Comptroller -	Scot., 1856, s. 158.
309.	Docket Book. Registrars to transmit Copies of Entries, Adjudications, &c. to Chief Registrar.	1849, s. 94.
310.	Accountant, Master, &c. to make annual Returns -	1861, s. 67.
	Notices.	
311.	What Orders and Notices to be sent by Post -	1861, s. 201.
312.	General Orders as to Advertisements - -	1861, s. 202.
	Offences and Criminal Proceedings.	
313.	Penalty on Persons guilty of Misdemeanors herein named.	1861, s. 221.
314.	Jurisdiction and Powers of Commissioners in proceeding in respect of Bankrupt guilty of any Offences herein-before named. Provisions of 11 & 12 Vict. c. 42. extended to this Act.	1861, s. 222.
315.	Creditor or Court may appoint Prosecution. Costs of Prosecution.	1861, s. 223. Scot., 1856, s. 97.
316.	Power to direct Reference to Attorney General -	1861, s. 224. Scot., 1856, s. 162.
317.	False Declaration a Misdemeanor - - -	1861, s. 145.
318.	False Evidence - - - - -	1849, s. 254.
319.	Inserting Advertisements without Authority -	1849, s. 272.
320.	Forging Signature of Commissioner or Officer or Seal of Court, &c., Felony.	1849, s. 273., 1861, s. 205.
321.	Indictment - - - - - -	1861, s. 225.
322.	Gaoler suffering Persons committed to escape, &c. -	1849, s. 274.
323.	Appropriation of Forfeitures - - -	1849, s. 275.
324.	Power for Court to commit Persons wilfully disobeying any Rule or Order of the Court.	1861, s. 226.
325.	Sections 114, 115, 116, and 117 of 9 & 10 Vict. c. 95. to apply to Officers acting in execution of Warrants or Orders of the Courts.	1861, s. 228.
	Definition and Explanation of Terms.	
326.	Definition of Terms, &c. - - - -	1861, s. 229.
327.	Want of Form when not to invalidate Proceedings. Forms in Schedules may be altered by General Orders.	1861, s. 65.
	SCHEDULES.	

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend and consolidate the Law relating to Bankruptcy in England, and to abolish Imprisonment for Debt on Final Process.

WHEREAS it is expedient to amend the Law relating to Bankruptcy in England, and to consolidate the same, and at the same Time to abolish Imprisonment for Debt on Final Process: Preamble.

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited for all Purposes as "The Bankruptcy Act, 1866," and shall not extend to Scotland or Ireland, except where otherwise specially provided, and shall commence and take effect, except where otherwise specially provided, on and from the Eleventh Day of October One thousand eight hundred and sixty-six. Short Title and Commencement.

2. The Acts and Parts of Acts set forth in Schedule (A.), to the Extent to which they are therein expressed to be repealed, and all Repeal of Acts.

other Acts or Parts of Acts which are inconsistent with this Act, are repealed, except as to Bankruptcies in which Adjudication has been made before the Commencement of the Operation of this Act, and except as to all Matters of Insolvency which at the Time of the passing of the Bankruptcy Act, 1861, were depending in the Court for Relief of Insolvent Debtors in England, or in any of the County Courts, and as to the Monies and Government Securities and the Clerks and Officers of the Court for the Relief of Insolvent Debtors in England, which were transferred by the said last-mentioned Act to the Court of Bankruptcy; but such Repeal shall not affect any Proceeding pending, or any Right that has arisen or may arise, or any Criminal Offence, or the Prosecution and Punishment of the same under any such Acts or Parts of Acts, or any Penalty incurred or that may be incurred, in respect of any Transaction, Act, Matter, or Thing done or existing prior to or at the Commencement of this Act, under or by virtue of any of the Acts or Parts of Acts repealed, nor affect any Orders of Her Majesty in Council, or any General Orders made by or with the Sanction of the Lord Chancellor under such Acts, except in so far as any of the Provisions of such Orders in Council or General Orders are inconsistent with this Act, but such Orders in Council and General Orders respectively shall, except as aforesaid, and until the same shall be lawfully revoked or altered, remain in force and be applicable to the Court of Bankruptcy as continued for the Purposes of this Act.

Vesting of Courts and Buildings.

3. The Building in Basinghall Street in the City of London called the Court of Bankruptcy, and the Building in Portugal Street, Lincoln's Inn Fields, called the Court for Relief of Insolvent Debtors in England, and the several Buildings which have been provided or which may be provided for the Court of Bankruptcy in the several Districts in the Country, shall, together with the Ground on which all such Buildings are erected, vest in the Commissioners of Her Majesty's Works and Public Buildings, for all such Estate and Interest as Her Majesty may now be entitled to therein, and shall be appropriated to such Purposes as the Lord Chancellor shall direct.

Bankruptcies and Insolvencies prior to this Act to be prosecuted under repealed Acts.

4. Bankruptcies in which Adjudication is made before the Commencement of the Operation of this Act and Proceedings in Insolvency now depending shall be prosecuted under the Acts hereby repealed, and such Acts shall as to all Matters arising out of or connected with such Bankruptcies and Proceedings in Insolvency remain in force: Provided that it shall be lawful for the Court, if it shall think fit, on the Application of any Party concerned, to order

order that any Proceedings in such Bankruptcies shall be carried on under the Provisions of this Act, and on such Order to give all necessary Directions for carrying the same into effect.

Bankruptcies subsequent to this Act to be prosecuted under this Act.

5. Proceedings in Bankruptcies in which Adjudication is not made till after this Act has come into operation shall be wholly prosecuted under this Act; but any Proceedings taken prior to such Date, according to the Law and Practice then in force, shall be valid to support Adjudication and other Proceedings made or taken subsequently under this Act.

The Court of Bankruptcy and Court of Appeal.

The Court of Bankruptcy continued for the Purposes of this Act, and to continue a Court of Record, &c.

6. The Court of Bankruptcy shall continue to be a Court of Record and a Court of Law and Equity for the Purposes of this Act, and shall have and use the same Seal or Seals as at the Time of the passing of this Act, and the Records and Proceedings of every Kind at the Commencement of this Act in the said Court in London, and in the several Districts in the Country, shall be kept as such Records and Proceedings in like Manner in the Court so continued; and the said Court shall have all the Powers, Rights, Incidents, and Privileges of the Superior Courts of Law; and each of the Commissioners for the Time being acting in London and in the several Districts in the Country shall be and form the Court of Bankruptcy.

Limits of the Bankruptcy Districts.

7. The several Districts of the Court of Bankruptcy in London and in the Country, respectively, shall continue to be the same, and of the same respective Limits and Extent, as at the Time of the passing of this Act: Provided that it shall be lawful for Her Majesty, with the Advice of Her Privy Council, from Time to Time to alter the Name, Limits, or Extent of such Districts or any of them, or to increase or diminish the Number of the same.

Jurisdiction of County Courts under this Act.

8. The Judge of every County Court (except of the Metropolitan County Courts) now or hereafter to be established shall have and exercise within his District the like Jurisdiction, Powers, and Authorities, and perform the same Duties, for and in respect of all Matters and Things coming before such County Court by virtue of this Act, as are vested in the District Courts of Bankruptcy.

Clause A.

Power to create additional County Courts, and to invest the Judges thereof with Jurisdiction in Bankruptcy,

9. In case it shall on any Occasion appear to Her Majesty in Council to be expedient to establish an additional County Court within any One or more of the Country Districts, and to invest the Judge or Judges thereof with Jurisdiction in Bankruptcy, it shall be

and to make new Arrangements of Districts.

be lawful for Her Majesty, by Order in Council, so to do, and also to make a new Arrangement of the Districts of the Bankruptcy and County Courts respectively, so as to assign a convenient District or convenient Districts to such new Court or Courts, and to give from Time to Time all necessary Directions for the Establishment thereof; and every such Order shall be laid before Parliament, and shall not come into operation until Three Months afterwards.

CLAUSE B. Appointment, Qualifications, and Jurisdiction of Judges of such new Courts.

10. The Judge of any such new Court shall be appointed by the Lord Chancellor, and shall be either a Serjeant-at-Law or a Barrister-at-Law who shall be of Seven Years standing at the Bar in England, or who shall have practised as a Barrister and Special Pleader for at least Seven Years; and every such Judge, in addition to the Jurisdiction of a County Court Judge, shall have and exercise within the District assigned to him all the Jurisdiction, Powers, and Authorities of the Commissioners of the Country District Courts of Bankruptcy.

Power to transfer Jurisdiction, &c. of Commissioners to County Courts in case of Vacancies.

11. If upon any Vacancy in the Office of Commissioner of any Country District Court there shall no longer be a Commissioner for such District, Her Majesty shall have Power, by Order in Council, to transfer all the Jurisdiction, Powers, and Authorities held by the Commissioner to the Judges of the County Courts or any of them, exercising Jurisdiction within such District or any Part thereof, and thenceforth all Enactments relating to the Court of Bankruptcy for such District shall be applicable to the Judge of each such County Court within the District of such Court, in so far as such last-mentioned District was within the District of such Court of Bankruptcy, and the Lord Chancellor shall have Power, by Order, from Time to Time to provide in all respects for the Exercise of Jurisdiction in Bankruptcy by such County Court Judges or Judge, and for the Continuance of the Exercise of their respective Duties in the whole or any Part of the District by the Registrar and other Officers attached to the Court of the Commissioner making such Vacancy.

Court of Appeal.

12. The Court of Appeal in Chancery shall be the Court of Appeal in Bankruptcy, and shall be and form a Court of Record, and have all the Powers of and incident thereto, and all the Powers by this Act given to the Court of Bankruptcy; and all Orders by the Court of Appeal in Bankruptcy shall have the same Effect as Orders of Courts of Equity under the Act passed in the First and Second Years of the Reign of Her present Majesty, Chapter One hundred and ten, and the Powers given to such Courts by the said Statute shall be exercised by the said Court of Appeal; and all the Powers

of

of the Court of Chancery as to the Trial of Questions of Fact, either before itself by Juries, or by directing an Issue to be tried in any Court of Common Law, or otherwise, and all the Provisions made by Statute or General Order in reference to such Trials, shall be exercised by and applicable to the Court of Appeal sitting in Bankruptcy.

Decrees, &c. of the said Court of Appeal may be appealed from to the House of Lords.

13. All Decisions, Decrees, or Orders of the Court of Appeal in Matters of Bankruptcy shall be subject to Appeal to the House of Lords only on Matters of Law or Equity, or on the Rejection or Admission of Evidence, and on a Special Case, to be approved and certified by One of the Judges of the Court of Appeal, whose Determination on the Settlement of such Case shall be final and conclusive.

Commissioners and Registrars of the Court.

Existing Commissioners to be continued.

14. The Persons now discharging the Duties of Commissioners of the existing Court of Bankruptcy under any permanent Appointment shall continue to be Commissioners of the Court in the same Districts respectively, and they and any London Commissioner hereafter appointed shall hold Office during good Behaviour, subject to Dismissal by Her Majesty upon an Address of both Houses of Parliament.

Vacancies in Country Districts not to be filled up.

Commissioners in London to be reduced to Two.

15. On a Vacancy occurring in the Office of any Commissioner for a Country District, such Office shall not be filled up, and the Registrar shall thenceforth, until the Jurisdiction of such Court shall be transferred to any County Court, in virtue of Section Eleven of this Act, perform all the Duties and exercise all the Powers of such Office in addition to those of Registrar. On Vacancies occurring in the Office of Commissioner in the London District, such Offices shall not be filled up until the Number of Commissioners acting in the London District shall be reduced to less than Two, when it shall be lawful for Her Majesty, if She shall think fit, from Time to Time, by Warrant under the Great Seal of the United Kingdom, to appoint a Commissioner of any Country District, or a Barrister or Sergeant-at-Law of not less than Ten Years standing at the Bar, to be Commissioner in the London District, but so that the Number of such Commissioners shall not at any Time exceed Two.

Chief Registrar, &c. to hold Office during good Behaviour, and Vacancies to be filled up by Lord Chancellor.

16. The Persons now discharging the Duties of Chief Registrar or Registrars of the Court of Bankruptcy, or hereafter to be appointed to any of such Offices, shall hold Office during good Behaviour, subject to Dismissal by the Lord Chancellor, by Order, for some sufficient Reason to be set forth in such Order. Upon any

Vacancy in the Office of Chief Registrar, such Vacancy shall be filled up by such One of the Registrars of the Court as the Lord Chancellor shall direct. Upon any Vacancy in the Office of Registrar, such Vacancy shall be filled up by the Lord Chancellor, if, having regard to the State of the Business of the Court, he shall think fit to fill it up, or, if he think fit, he may appoint a fit Person to perform the Duties of the Office so vacant, at such Remuneration as he shall direct, not exceeding the Rate of Salary of such Office, and for such Time as he shall think proper.

Oath to be taken.

17. Every Commissioner and Registrar to be hereafter appointed, and every Judge and Registrar of a County Court on whom any Duties in Matters of Bankruptcy shall be hereafter imposed by virtue of this Act shall, before he is capable of acting, take and subscribe before any Magistrate the following Oath, which shall be recorded in the Court to which such Commissioner, County Court Judge, or Registrar is attached:

'I *A.B.* do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Knowledge, execute the several Powers and Trusts reposed in me as One of the Commissioners [*or* Registrars] of the Court of Bankruptcy [*or* as a County Court Judge [*or* Registrar] acting in Bankruptcy], and that without Favour or Affection, Prejudice or Malice.

'So help me GOD.'

Power to appoint additional Registrars.

18. If the Lord Chancellor shall at any Time, by Order, declare that, having regard to the State of the Business of the Court of Bankruptcy and the Duties of the Registrars, he is of opinion that additional Registrars ought to be appointed, either in London or in any Country District, it shall be lawful for the Lord Chancellor to appoint such additional Registrars.

As to Duties of County Court Registrars.

19. The Registrars of the several County Courts exercising Jurisdiction under this Act shall discharge the Duties of Registrar in all Matters under this Act within their several Districts in such Manner, and shall receive such Remuneration in respect of such Services, as General Orders shall direct.

Lord Chancellor may attach the Commissioners, &c. acting in the Country to such Districts as he shall think fit, &c.

20. The Lord Chancellor may from Time to Time attach the Commissioners and Registrars acting in the Country to the London District, or to such Country District as he shall think fit, and may order any Commissioner acting for any District, whether London or Country, to hold Sittings at such Places within his District as the Lord Chancellor may think fit, and may give all necessary Directions in that Behalf.

21. Any

21. Any Registrar of the Court may, during Vacation, or during the Illness or Absence from any other reasonable Cause of any Commissioner thereof, act for and as the Deputy of such Commissioner; and any such Registrar so acting shall have and exercise all Power vested in the Court which might have been exercised by such Commissioner.

In case of Illness, &c. of Commissioner, Registrar may act for him, &c.

22. Any Registrar of the Court may act for the Chief Registrar or for any other Registrar thereof; and any County Court Registrar may act for any other County Court Registrar; and during the Illness, or temporary Absence from any reasonable or unavoidable Cause, of any Registrar of the Court, the Lord Chancellor (as Occasion may require, and for such Time as he shall think fit to allow,) may authorize and direct any other Registrar, whether of the London or Country Districts, to act in the Stead of the Registrar so ill or absent, or may appoint a fit Person to act in the Stead of such Registrar during his Illness or during his Absence as aforesaid, for such Period or Periods as shall not exceed in the whole the Period of Two Months in any One Period of Twelve consecutive Months; and any such Registrar or Person so appointed and acting shall have all the Power, Jurisdiction, and Authority and perform all the Duties of the Registrar for or in aid of whom he shall so act.

Registrars may act for each other, &c.

Taxing Master.

23. The Person now discharging the Duties of Taxing Master of the Court of Bankruptcy shall continue to be such Taxing Master, and he and his Successors shall hold Office during good Behaviour, subject to Dismissal by Order of the Lord Chancellor for some sufficient Reason to be set forth in such Order. On any Vacancy in such Office, the Lord Chancellor shall have Power to appoint any Person who shall have held the Office of Registrar of the Court of Bankruptcy for not less than Five Years, or who shall be an admitted Attorney of One of Her Majesty's Superior Courts at Westminster, or of Her Majesty's Court of Bankruptcy, in actual Practice, of not less than Five Years standing on the Roll of such Court or Courts; and every such Taxing Master shall discharge his Duties in Person, except where otherwise provided by this Act, or by any Regulation to be made under this Act. In case of the Illness of such Taxing Master or his Absence from any unavoidable Cause, the Lord Chancellor may appoint a Deputy to act for such Time and for such Remuneration as he shall direct, and such Remuneration shall be paid out of any Funds standing to the Credit of the Chief Registrar's Account.

Lord Chancellor empowered to appoint a Taxing Officer.

Tenure of Office, Duties, and Removal

Bills to be taxed.

24. All Bills of Costs, Charges, Fees, and Disbursements of Solicitors and Attorneys in Matters under this Act before the Court of Bankruptcy in London, and before the Court of Appeal in Bankruptcy, and such taxable Bills as may be specially referred to the Taxing Master by any District Court or any County Court, shall be taxed by the Taxing Master, subject to the Review of the Court in London.

Registrars in Country Districts to be Taxing Officers.

25. In every Country District Court, and in every County Court exercising Jurisdiction under this Act, all Bills of Costs, Charges, Fees, and Disbursements aforesaid shall (unless where such Court shall otherwise direct) be taxed and settled by the Registrar of such Court, subject to Appeal to the Court of which he is Registrar. It shall be lawful for the Commissioner of any District Court, or Judge of any County Court, to refer any such Bills, or any Question thereon, to the Taxing Master in London.

Comptroller in Bankruptcy.

Appointment of Comptroller in Bankruptcy

26. It shall be lawful for the Lord Chancellor to appoint some competent Person, to be called "The Comptroller in Bankruptcy," and who shall hold Office during good Behaviour, subject to Dismissal by the Lord Chancellor, by Order, for some sufficient Reason to be stated in such Order; and the Comptroller shall hold no other Office, and shall not, directly or indirectly, by himself or any Partner, be engaged in any Trade, or in any Business or Profession, and he shall not, directly or indirectly, have any Management of or Dealing with any Money of any Bankrupt Estate.

To superintend the Conduct of Trustees and Inspectors.

27. It shall be competent for the Comptroller, if it shall appear to him by means of any Information officially received by him, or of any Complaint made to him by any Creditor, that any Trustee or Inspector appointed under this Act is or may be subject to any Charge of not faithfully performing the Duties, and duly observing all Rules and Regulations imposed on him by Statute, General Orders, or otherwise relative to the Performance of those Duties, to inquire into and call upon such Trustee or Inspector for Information or Explanations concerning the same, and if not satisfied with the Explanation given he shall report thereon to the Court, and the Court, after hearing such Trustee or Inspector thereon, and investigating the whole Matter, may remove such Trustee or Inspector from his Office, or otherwise deal with him as the Justice of the Case may require.

28. The

To report Disobedience.

28. The Comptroller shall at all Times, when requisite, report to the Court any Disobedience by the Trustee or Inspectors of any Requisition or Order by him, and generally any Matter which he may deem it necessary for the due Discharge of his Office to bring before the Court, and it shall be lawful for the Court to give and enforce such Orders as may be required for carrying out the Provisions of this Act.

In case of Illness, &c. of Comptroller, Lord Chancellor to appoint a Deputy.

29. In case of the Illness or temporary Absence of the Comptroller, the Lord Chancellor may authorize any One of the Comptroller's Clerks or other qualified Person to discharge the Duties of the Office for the Time.

Accountant in Bankruptcy.

Accountant to have Superintendence, &c. of Funds.

30. The Accountant in Bankruptcy shall have the Care and Management of any unclaimed Dividends or Funds which may be directed to be paid into the Bank of England under this Act, and of all Funds now standing in the Bank of England in the Name of the Accountant, and shall hold and deal with the same in such Manner as may by the Lord Chancellor, or by any General Rule or Order to be made in pursuance of this Act, be directed; and the Brokerage Business of the Accountant's Office shall be transacted upon such Terms and the Sum payable to the Broker shall be paid in such Manner as shall be directed by any such General Rule or Order, and the Amount to be so paid shall be charged by the Accountant to the Estate or Account for which the Investment or Sale shall be made.

Upon Vacancy occurring Office of Accountant in Bankruptcy to be abolished.

31. Upon any Vacancy in the Office of Accountant in Bankruptcy, such Office shall be abolished, and the Duties thereof shall thereafter be discharged by the Chief Registrar, and the several Funds standing in the Books of the Bank of England to the Credit of the Accountant shall be transferred to such Account or Accounts in the Name of the Chief Registrar, and in such Manner as General Orders shall direct.

Accounts kept at Bank of England called "The Bankruptcy Fund Account" and "Chief Registrar's Account" to be subject to Orders of Lord Chancellor.

32. The Accounts kept at the Bank of England in the Name of of the Accountant, or of the Chief Registrar after the Office of Accountant shall have ceased, and called "The Bankruptcy Fund Account" and "The Chief Registrar's Account," shall be subject to such General Orders touching the Payment in, Investment, accounting for, and Payment out of the same for the Purposes mentioned in this Act, as the Lord Chancellor shall from Time to Time think fit to prescribe.

Securities may be purchased.

33. Out of the Cash lying uninvested in the Bank of England to the Credit of any Account, any Sum of Money may, by Order of the Lord Chancellor, from Time to Time be invested, in the Name of the Accountant, in such Government or Parliamentary Securities as in such Order shall be directed, and such Securities shall be carried to the Accounts respectively on account of which they were so purchased; and the Interest and Dividends of all Securities so purchased shall from Time to Time be received by the Governor and Company of the Bank of England, and be carried to the Account intituled "The Chief Registrar's Account;" and the Lord Chancellor may, at any Time when he shall judge it necessary, by Order, direct the whole or any Part of such Securities to be sold and disposed of, and the Money arising from such Sale to be paid into the Bank of England to the Credit of the Accounts to which they respectively belong.

Lord Chancellor may order Securities purchased to be sold in certain Cases.

If Securities at any Time insufficient to answer the Demands of any Bankrupt, &c., the Sum taken for the Purposes of this Act to be made good by Parliament.

34. If at any Time it shall appear that the whole of the Money laid out on Securities, and the Stocks, Funds, and Cash standing in the Name of the Accountant or Chief Registrar, shall not be sufficient to answer the Demands of any Bankrupt or his Creditors, or other Persons interested therein, the Sums taken for the Purposes and by virtue of this Act shall be considered a Debt due from the Public, and to such Extent as may be necessary shall be answered and made good by Parliament accordingly.

Incidental Expenses.

35. The Funds standing to the Account intituled "The Chief Registrar's Account" shall be subject to all such Orders as have been heretofore duly made, or as shall from Time to Time be made by the Lord Chancellor, for Payments thereout in respect of the Salaries of Clerks and other Persons employed in the various Offices of the several Courts of Bankruptcy, and for Stationery, Coals, and Lights for the Use of the same, and for Maintenance, Insurance, Rent, and Repairs of or Addition to the Buildings, and in respect of all Expenses incidental to carrying this Act into effect; and all Accounts for such Expenses shall be audited and allowed by the Commissioner of the Court in which they have been incurred, or if he shall so direct by the Comptroller, before any Order for Payment shall be made.

Other Officers of the Court, and Clerks.

Provision as to Offices of Official Assignee and Messenger, &c. abolished.

36. The Persons now holding the Offices of Official Assignee and of Messenger, and of Registrar of Meetings, shall continue, upon the same Terms upon which they now hold such Offices, to perform the Duties imposed upon them by any Act hereby repealed, and be subject to all the Provisions of any such

such Act, in so far as such Duties arise in regard to any Bankruptcy or Insolvency conducted under such Act. The Registrar of each Court shall, on or within Seven Days after the First Day of January in each Year, transmit to the Chief Registrar a Statement of the Number of such Bankruptcies still depending, of the Stage at which each has arrived, and of the Date of the last Proceedings therein; and the Lord Chancellor shall, when he shall think fit, declare by Order that the Duties of any such Official Assignee or Messenger, or of the Registrar of Meetings, shall cease; and from and after the Time when any such Declaration shall be made, the Office of such Official Assignee or Messenger, or Registrar of Meetings, as the Case may be, shall be abolished. If any Vacancy shall occur in any of such Offices before such Declaration shall have been made, it shall be lawful for the Lord Chancellor to appoint a fit Person to perform all such Duties with respect to any Bankruptcy or Insolvency depending at the Time of the Commencement of the Operation of this Act as may in his Judgment require to be provided for by Reason of such Vacancy, and to allow to any Person so employed during the Time of such Employment such Remuneration, to be paid out of the Funds standing to the Credit of the Chief Registrar's Account, as he may direct.

Ushers.

37. The Ushers now appointed and acting in the Court of Bankruptcy shall be continued in the Courts to which they are at present attached; and the Commissioners, or, where there is no Commissioner, the Registrar of such Courts respectively shall have Power to fill up, if he shall think fit, any Vacancy which may from Time to Time occur, and shall also have the Power of removing any Usher who shall be guilty of any Negligence, wilful or unnecessary Delay, or other Misconduct, or for other sufficient Reason to be stated in the Order for such Removal.

Present Clerks of Chief Registrar, Accountant, and Master of Court of Bankruptcy to continue, and on Vacancy Lord Chancellor to appoint.

38. The subordinate Officers and Clerks now in the Offices of the Chief Registrar, the Accountant, and the Taxing Master of the Court of Bankruptcy, shall be continued in the same respective Offices, and shall continue to receive such Salaries as the Lord Chancellor shall from Time to Time think fit; and the Lord Chancellor shall have Power to dismiss any such subordinate Officer or Clerk, and may supply any Vacancy that may from Time to Time occur, or may refuse to fill up such Vacancy, and so reduce the Number of such subordinate Officers or Clerks, or may transfer any such subordinate Officer or Clerk to any other Office, provided the Salary shall not be less than he has heretofore received, and may appoint such additional Clerks as Occasion may require in any such Offices, and may appoint such Clerks in the Office of the Comptroller,

troller, and at such Salaries as he may think fit, and may also attach any of the Clerks now employed in the respective Offices of the Official Assignees and Messengers to the several Commissioners and Registrars of the Court of Bankruptcy, or any of them, to assist them in the Performance of their Duties under this Act, by the Service of any Process issuing out of the said Court, or otherwise, as the Lord Chancellor shall direct, at such Salaries as he shall think fit: Provided always, that the Power hereby given to the Lord Chancellor to fix and allow Salaries to be paid to any Clerks or other Officers under this Act shall in every Case be exercised by him with the Consent and Concurrence of the Lords Commissioners of Her Majesty's Treasury; and all such Salaries shall be paid out of the Funds standing to the Credit of the Chief Registrar's Account, unless General Orders shall otherwise direct.

Disqualification of Officers.

Disqualification to sit in Parliament, Exemption from Juries, &c.

39. The Commissioners, County Court Judges, Chief and every other Registrar, Accountant, Taxing Master, and Comptroller, shall be incapable of being elected to or sitting in Parliament, and these Officers, and the Ushers and Clerks respectively, shall not be liable, without their Consent, to serve any Parochial Office, and shall be exempt and disqualified from being returned and from serving on any Jury or Inquest, and shall not be inserted in any List of Men qualified or liable to serve as Jurors.

Salaries and Compensations.

Salaries of Officers of Court of Bankruptcy.

40. There shall be paid to the Commissioners, Registrars, and other Officers of the Court the several Salaries set opposite to their respective Titles in Schedule (B.), and such Salaries shall be paid quarterly, free and clear from all Taxes and Deductions whatsoever, except the Tax on Income, on the Eleventh Day of January, the Eleventh Day of April, the Eleventh Day of July, and the Eleventh Day of October in every Year, by equal Portions; and on a new Appointment the Person appointed shall receive on the first Quarter Day the Proportion of Salary accruing from the Date of his Appointment; and when any Person for the Time being holding any of the said Offices shall die, resign, or be removed from the same, the Executor or Administrator of the Person so dying, or the Person so resigning or being removed, shall be entitled to receive such proportionate Part of his Salary as shall have accrued during the Time that such Person shall have executed his Office since the last Payment. Such Salaries, and all Compensations, Annuities, and Superannuation Allowances payable under this or any former Acts relating to Bankrupts, shall be paid out of the Funds standing to the Credit of the Chief Registrar's Account.

41. A Super-

41. A Superannuation Allowance may, in the Manner and subject to the Provisions of an Act passed in the present Session, intituled "An Act to amend the Law relating to the granting of "Pensions and Superannuation Allowances to Persons holding "certain Offices connected with the Administration of Justice in "England," be granted to any Commissioner or Registrar, or to the Accountant in Bankruptcy, or the Comptroller or Taxing Master, or other Officer of the Court of Bankruptcy, upon his Retirement from his Office, and such Allowance shall be paid by Order of the Lord Chancellor: Provided that nothing herein contained shall restrict, abridge, or qualify the Right of any such Commissioner or other Person who may hold such Office at the Time of the passing of this Act to any Superannuation Allowance which under the Provision of any Act or Acts now in force such Officer might have been entitled to if this Act had not passed. Superannuation Allowances.

42. The Commissioners of the Treasury may, on a Petition presented to them for that Purpose, accompanied by a Certificate by the Lord Chancellor that the Petitioner has duly discharged the Duties of his Office, award to be paid to any Person who at the Time of the passing of this Act was the Holder of an Office abolished hereby an Annuity not exceeding Two Thirds of the Salary to which such Person was entitled at the passing of this Act, but subject to such Provision, if any, contained in any Act of Parliament now in force as may have been applicable to such Person in case of the Abolition of such Office. The Time during which such Person shall have held Office in the Court for Relief of Insolvent Debtors shall be reckoned as if the same had been an Office in the Court of Bankruptcy. Pensions to Holders of abolished Offices.

43. The Clerk of any Official Assignee or other Person whose Office may be abolished by this Act may make a Claim for Compensation to the Commissioners of Her Majesty's Treasury; and the said Commissioners shall, by Examination on Oath or otherwise (which Oath each of them shall be empowered to administer), inquire whether any, and if any, what Compensation ought to be made to any such Claimant, regard being had to the Conditions on which the Appointment of any such Person was made, and also to the Nature of the Appointment and the Duration of the Service, and the Commissioners shall be empowered to call for such Evidence in relation thereto as they may think necessary; and in every Case in which such Claim shall be established they or any Three of them shall be authorized and empowered to award to the Claimant, by Warrant under their Hands, such Compensation as, and at such Times as, under the Circumstances of each Case, shall seem to them just and reasonable, by way of Annuity or otherwise. Compensation to Clerks.

 44. If

Provision as to Annuitants accepting other public Offices.

44. If any Person to whom Compensation or an Annuity shall be granted under this Act shall be appointed to and accept any public Office or Employment, such Person, during the Time he may continue in such Office or Employment, shall be entitled to receive only so much, if any, of his Compensation or Annuity as shall, together with the Salary of such new Office, be equal to such Compensation or Annuity.

Compensations to be paid by Treasury.

45. The Compensations now payable to the following Holders of abolished Offices,—

Patentee of Bankrupts,
The former Commissioners of Bankrupt,
The Clerk of the Hanaper and other Officers of the Lord Chancellor and the Court of Chancery,

and the Retiring Annuities now respectively payable out of the Funds standing to the Credit of the Chief Registrar's Account shall continue to be paid out of the same Funds; but the annual Amount of the said Compensations and Retiring Annuities shall be paid into the Bank of England to the Credit of the Chief Registrar's Account, by the Commissioners of the Treasury, out of Monies to be from Year to Year voted for that Purpose by Parliament: All Retiring Annuities and Compensations awarded under this Act shall be paid out of the Funds standing to the Credit of the Chief Registrar's Account.

Practice of the Court.

Sittings of the Court.

46. The Courts of Bankruptcy in London and the Country shall sit for the Despatch of Business daily throughout the Year, Sunday, Christmas Day, Good Friday, Monday and Tuesday in Easter Week, and Days appointed for Public Fast or Thanksgiving, excepted: Provided that during the Time appointed by Order for Vacations in the High Court of Chancery the Lord Chancellor shall have Power to regulate the Sittings of the Court, and appoint the Attendance of the Commissioners or Registrars and County Court Registrars, and of such other Officers of the Court as may appear necessary for the due Administration of Justice, and so that the Business of Adjudication in Bankruptcy, and the issuing of Summonses and other formal Process of the Court, may at all such Times be duly provided for.

Lord Chancellor to regulate Sittings in Vacation.

Commissioners may sit at Chambers.

47. The Commissioners may sit at Chambers for the Despatch of such Part of the Business of their Courts as can, without Detriment to the public Advantage arising from the Discussion of Questions in open Court, be heard in Chambers; and when sitting at Chambers they shall have in all respects like Power and Jurisdiction as

as when sitting in Court. All Proceedings for Adjudication of Bankruptcy shall be heard and determined and Adjudication shall be made in open Court.

Registrars, their Powers and Jurisdiction.

Registrars to sit in Chambers.

48. The Registrars of the Court of Bankruptcy shall have Power to receive the Surrender of any Bankrupt, and to make Adjudication of Bankruptcy, and to sit in Chambers, and despatch there such Part of the administrative Business of the Court and such uncontested Matters as shall be defined in General Orders, or as the Commissioner in any particular Matter shall direct, and shall also have Power, with the Consent of the Parties concerned, to decide any Question which may arise in the Course of any Proceedings taken before them, subject to an Appeal to the Court of Appeal in Bankruptcy only, and they shall also have Power to administer Oaths and Affirmations, and to take and receive Affidavits, Declarations, and Acknowledgments (other than Acknowledgments by married Women); and for the Purposes of any Meeting or Sitting appointed to be held before or by a Registrar under any of the Provisions of this Act, such Registrar shall have and may exercise all Powers vested in the Court for the summoning and Examination of Witnesses, and for requiring the Production of Books, Papers, and Documents, except that a Registrar not having the full Powers of a Commissioner under this Act shall not exercise the Power of Commitment or Arrest. The Registrar may adjourn any Matter coming before him for the Consideration of the Commissioner. The Lord Chancellor may, by Order, from Time to Time authorize the Registrar of any County Court to exercise any of the Powers hereby given to the Registrars of the Court of Bankruptcy.

County Court Registrars.

Courts may direct Registrar to hold Meetings, &c.

Expenses of such Registrar, &c.

49. The Court may direct a Registrar to attend at any Place within the District to which he is attached, for the Purpose of presiding at any Meeting of Creditors, of receiving Proof of Debts, and generally for the Prosecution of any Bankruptcy or other Proceeding under this Act; and the travelling and incidental Expenses of such Registrar, and of any Clerk or other Officer attending him, incurred in so acting, shall be settled by such Court, and paid out of the Assets of the Estate in respect of which such Registrar has so acted, or if there be no such Assets, or if the Assets be insufficient, then out of the Funds standing to the Chief Registrar's Account: Provided always, that all Depositions and Examinations of Persons and Witnesses taken before such Registrar, and all Acts done by him, shall be reduced to Writing, and be signed by such Registrar, and shall be annexed to and form Part of the Proceedings.

Powers of Registrar so acting.

 50. Parties

CLAUSE C. Penalties upon Parties and Witnesses not attending, or swearing falsely, before a Registrar.

50. Parties and Witnesses summoned before a Registrar shall be bound to attend in pursuance of such Summons, and shall be liable to Process of Contempt, in like manner as Parties and Witnessess are now liable thereto, in case of Default in attendance under any Writ of Subpœna; and all Persons wilfully and corruptly swearing or affirming falsely before a Registrar shall be liable to all the Penalties, Punishments, and Consequences of Perjury.

Persons refusing to answer may be referred to Commissioner.

51. If the Bankrupt or any other Person summoned to appear and be examined before a Registrar shall fail to attend in pursuance of such Summons, or shall refuse to be sworn or to answer, or to sign his Examination when taken, or shall demur or object to any Question which may be put to him, or refuse or object to produce any Book, Paper, or Document which he may be required to produce, the Registrar may certify such Default or Refusal, or may refer such other Matter as aforesaid to the Court, which shall have Power to deal with the Matter in like Manner as if such Default, Refusal, or other Matter had arisen in the Case of a Person summoned to appear and be examined before the Court itself.

Parties may take Opinion of the Commissioner. Certificates of Registrars at Chambers to be binding.

52. In all Proceedings before a Registrar of any Court in which there is a Commissioner, any Party shall be at liberty, subject to the Provisions herein-after contained, to take the Opinion of the Commissioner upon any Point or Matter arising in the Course of such Proceedings, or upon the Result of such Proceedings, which shall be stated by the Registrar in the Shape of a short Certificate to the Commissioner, who shall sign the same, if he approve thereof; and such Certificate, so signed, shall be binding on all the Parties to the Proceeding; but every such Certificate may be discharged or varied by the Commissioner, at Chambers or in open Court.

Special Case.

53. In any Bankruptcy or any other Proceeding within the Jurisdiction of the Court the Parties concerned or submitting to such Jurisdiction may, at any Stage of the Proceedings, by Consent, state any Question or Questions in a Special Case for the Opinion of the Court, and the Judgment of the Court shall be final, unless it be agreed and stated in such Special Case that either Party may appeal.

Payment of Money by Party on Judgment being given.

54. The Parties may, if they think fit, agree that, upon the Question or Questions raised by such Special Case being finally decided, a Sum of Money, fixed by the Parties, or to be ascertained by the Court, or in such Manner as the Court may direct, or any Property, or the Amount of any disputed Debt or Claim, shall be paid, delivered, or transferred by one of such Parties to the other of them, either with or without Costs.

55. Any

Orders in England to be enforced in Scotland and Ireland;

55. Any Order made by the Court, or by any Court in England, acting under this Act, in the Course of the Prosecution of any Matter under this Act, shall be enforced in Scotland and Ireland in the Courts which would respectively have had Jurisdiction in respect of such Matter if the Residence or Place of Business of the Debtor had been situate in Scotland or Ireland, and in the same Manner in all respects as if such Order had been made by the Courts which are hereby required to enforce the same; and in like Manner Deliverances, Interlocutors, and Decrees made by any Court in Scotland for or in the Course of any Bankruptcy or Insolvency shall be enforced in England and Ireland; and Orders made by the Court in Ireland for or in the Course of any such Proceedings shall be enforced in England and Scotland by the Courts of Bankruptcy which would respectively have had Jurisdiction in any such or a similar Matter, and in the same Manner in all respects as if such or a similar Order had been made by the Court required to enforce the same in the Case of a Matter within its own Jurisdiction.

and conversely.

Sealing and Signature of Warrants.

56. Every Warrant issued by the Court of Bankruptcy under this Act shall be under the Seal of the Court and the Hand of the Commissioner, and every Summons shall be under the Seal of the Court and under the Hand of the Commissioner or Registrar. The Court shall cause to be sealed with the Seal of the Court all such Records, Proceedings, Documents, and Copies of the same as are by this Act or shall be by General Orders required to be so sealed, and such other Records, Proceedings, Documents, and Copies of the same as the Court shall at any Time direct.

Records and Proceedings to be sealed.

Solicitors of the Court of Chancery may practise in Bankruptcy, and appear and plead without Counsel.

57. Every Solicitor of the High Court of Chancery may practise as a Solicitor in the Court of Bankruptcy, and as to all Matters before the Commissioners or Registrars, or in Chambers, may appear and be heard without being required to employ Counsel; and in case any Person not being such Solicitor shall practise in the Court as a Solicitor he shall be deemed guilty of a Contempt of Court, and be liable to all the Penalties incident thereto: Provided always, that no Registrar or other Officer of the Court of Bankruptcy, or of any County Court having Jurisdiction in Bankruptcy, shall, either by himself or by his Partner, be directly or indirectly engaged as Attorney or Agent for any Party in any Proceeding in such Court.

Power to award Costs. Remedies for recovering Costs.

58. Any Court acting under this Act may in all Matters before it award such Costs as shall seem fit and just; and all Costs so awarded shall be recoverable in the same Manner as Costs awarded by a Rule of any of the Superior Courts at Westminster may be

recovered, and the like Remedies may be had, upon an Order of such Court, for Costs, as upon a Rule of any of the said Superior Courts for Costs; but no such Order shall affect any Lands as to Purchasers, Mortgagees, or Creditors, except in the Manner and subject to the Conditions provided with regard to Judgments in the Acts of the Session of Parliament of the Twenty-third and Twenty-fourth Years of the Reign of Her Majesty, Chapter Thirty-eight, and of the Twenty-seventh and Twenty-eighth Years of the Reign of Her Majesty, Chapter One hundred and twelve, any Notice of any such Order to any such Purchaser, Mortgagee, or Creditor in anywise notwithstanding.

Order for Costs must be registered, &c. under 23 & 24 Vict. c. 38. and 27 & 28 Vict. c. 112.

Evidence.

Evidence, how to be taken.

59. The several Courts exercising Jurisdiction under this Act may, in all Matters within their respective Jurisdictions, summon and examine all Persons whose Evidence may be necessary for the Determination of any such Matter, and may take the whole or any Part of the Evidence either vivâ voce on Oath before the Court, or by Examination before a Registrar, or by Interrogatories in Writing, or upon Affidavit, or by Commission abroad, as General Orders or as the Commissioner or Judge in any particular Case may direct.

Clause D. Attendances on Examinations before a Registrar.

60. When an Examination is by any special Order directed to be held before a Registrar, instead of being taken before the Court, the Court shall appoint a Sitting to be held for that Purpose before such Registrar, and such Examination shall take place in the Presence of the Parties at whose Instance such Examination shall have been directed, their Counsel, Solicitors, or Agents, and of such other Persons or Person (if any) as the Court or the Registrar may think fit, upon Application made for that Purpose, to allow to attend at such Examination.

Clause E. Mode of taking down Examinations before a Registrar.

61. All Depositions or Examinations taken before a Registrar under any of the Provisions of this Act shall be taken down in Writing, not ordinarily by Question and Answer (unless taken in Shorthand), but in the Form of a Narrative, and when completed shall be read over to the Deponent, and signed by him in the Presence of such Registrar; and all such Depositions or Examinations shall thereupon be annexed to and form Part of the Proceedings in the Bankruptcy or Matter in which the same shall have been taken: Provided always, that in case the Deponent shall refuse to sign his Deposition or Examination, then the Registrar shall sign the same; and such Registrar may, upon the Face of such Deposition or Examination, state such Refusal to the Court, and may also

also state any other special Matter which he may think fit, in relation to such Deposition or Examination.

Appointment of Shorthand Writers.

62. The Courts of Bankruptcy may, in any Proceeding within their Jurisdiction, direct the Employment of a Shorthand Writer to take down Evidence of Parties examined; and General Orders shall direct under what Regulations such Shorthand Writer shall be employed, and the Amount of the Remuneration to be allowed him, and the Parties by whom such Remuneration shall be paid; and every Shorthand Writer so employed by the Court shall in every Case make in Court the following Declaration:

Declaration to be made by Shorthand Writer

'I A.B. do solemnly and sincerely declare, That I will faithfully and truly take down the Questions and Answers put to and given by Persons to be examined in this Matter, and will deliver true and faithful Transcripts thereof, as the Court shall direct.'

Affidavits, before whom to be sworn.

63. Any Affidavit required to be sworn in relation to any Matter under this Act may be lawfully sworn—

1. In England, Scotland, and Ireland, before any Court acting in Matters of Bankruptcy, or before any Registrar or Taxing Master thereof, or before any Commissioner for administering Oaths in Chancery or any of the Superior Courts of Common Law at Westminster, or before any Officer of the High Court of Chancery, duly authorized to administer Oaths in such Court, or before a Justice of the Peace of the County, City, Town, or Place where any such Affidavit shall be sworn:
2. In any Colony, Island, Plantation, or Place under the Dominion of Her Majesty, before any Court, Judge, or Person lawfully authorized to take and receive Affidavits:
3. In any Foreign Parts out of Her Majesty's Dominions, before a Judge or Magistrate, provided that his official Character and Signature shall be authenticated by the Official Seal of the Court to which he is attached, or by a Public Notary, or before a British Minister, Consul or Vice-Consul:

Judicial Notice of Seal or Signature thereto.

And every such Court, Judge, Officer, or other Person is hereby authorized and required to administer the Oath upon any such Affidavit; and all Courts and Persons acting judicially shall take judicial Notice of the Seal or Signature (as the Case may be) of any such Court, Judge, Officer, or other Person, attached, appended, or subscribed to any such Affidavit, or to any other Document to be used for the Purposes of this Act, or of other Acts in relation hereto.

The Courts of Bankruptcy in England to be auxiliary for the Purpose of taking Affidavits to be used elsewhere.

64. The Court of Bankruptcy in England and the Registrars and Taxing Master thereof are respectively in like Manner authorized and required to administer Oaths upon any Affidavit to be used in any Matter of Bankruptcy or Insolvency under Prosecution or hereafter to be prosecuted in any Court in Scotland, Ireland, or in any of Her Majesty's Dominions, Colonies, or Dependencies; and every such Affidavit shall be sealed with the Seal of the Court, and all such Courts shall take judicial Notice of any Affidavit so sworn.

As to Fees on taking Oaths, or making Declarations in Bankruptcy.

65. No Fee shall be payable on the swearing of any Oath taken in the Court of Bankruptcy, in any Matter of Bankruptcy, Arrangement, or Insolvency within the United Kingdom, or in any of Her Majesty's Dominions, Colonies, or Dependencies, and no Fee or Reward whatever shall be taken or received by any Court or Magistrate for or in respect of the taking of such Oath other than such Fee or Reward as General Orders shall allow.

Affidavits by Prisoners.

66. Any Affidavit of any Prisoner in any of Her Majesty's Prisons or Gaols in England, to be used in any Matter under this Act, may be sworn before the Visiting or other Justices, or if within Twelve Hours none shall attend then before the Gaoler of such Prison or Gaol, and every such Justice or Gaoler is hereby required and authorized to administer the Oath upon any such Affidavit without Fee or Reward.

Provisions of 17 & 18 Vict. c. 34. as to Attendance o. Witnesses out of Jurisdiction extended to Court of Bankruptcy.

67. The Provisions of an Act passed in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, Chapter Thirty-four, with respect to compelling the Attendance of Witnesses out of the Jurisdiction, shall extend to and the Powers thereof shall be exercised by the Court of Bankruptcy.

Courts in Scotland to be auxiliary to the Court in England in the Examination of Witnesses, &c.

Proceedings for that Purpose.

68. The Court may direct the Examination in Scotland of any Person for the Time being in Scotland, being a Person believed to be capable of giving Information in any Matter with regard to the Acts, Estate, or Dealings of any Bankrupt or Petitioner within the Provisions of this Act, or in any Matter arising under the Provisions of this Act with reference to Trust Deeds, Compositions, or Deeds of Arrangement, and the Order for such Examination may be directed in Scotland to the Sheriff of the County in which the Person to be examined is residing or happens to be for the Time; and such Sheriff may, in like Manner as in Examinations in any Matter in Bankruptcy before such Sheriff, summon such Person to appear before him, at a Time and Place to be specified in the Summons, for Examination upon Oath, as Witness or Haver, and to produce any Books, Papers, Deeds, or Documents called for which may be in

in his Possession or Power; and the Sheriff may take such Examination either orally or upon written Interrogatories, and shall transmit with such Report either the original Books, Papers, Deeds, or Documents produced, or otherwise such Copies thereof or Extracts therefrom, authenticated by the Sheriff, as he shall think fit or deem necessary; and in case any Person so summoned shall fail to appear at the Time and Place specified, or appearing shall refuse to be examined or to make the Production required, the Sheriff shall grant Warrant against such Person, as against a Witness or Haver duly cited, and failing to appear or refusing to give Evidence, or make Production in the Sheriff Court; and the Sheriff shall be entitled to such Fees, and the Witness to such Allowances, as are allowed to Commissioners under Appointment from the Court of Session, and as Witnesses and Havers are entitled to in the like Cases according to the Law and Practice of Scotland. If any Objection be stated to the Sheriff by the Witness, either on the Ground of his Incompetency as a Witness, or as to the Production required to be made, or on any other Ground whatever, the Sheriff may dispose of such Objection, or, if he think fit, report such Objection to the Court, and suspend the Examination of such Witness until such Objection has been disposed of by the Court.

Courts in Ireland to be auxiliary in like Manner.

69. The Court may, in like Manner, direct any such Examination, in Ireland, of any Person for the Time being in Ireland, being a Person believed to be capable of giving such Information in any such Matter under this Act; and such Examination in Ireland may be directed to the Court of Bankruptcy in Ireland, which, for the Purpose of such Examination, and for the Production of Books, Papers, Deeds, or Documents, shall have the like Powers and Authorities in all respects as relates to Matters within this Act as are in the next preceding Section given to Sheriffs in Scotland, or as might be exercised by such Court in the Case of a similar Matter within its own Jurisdiction.

Courts in England to be in like Manner auxiliary to Courts in Scotland, Ireland, and elsewhere.

70. The Courts in London and in the Country Districts and the County Courts shall in like Manner be auxiliary, for all Purposes of Proof of Debt, and for the Examination of Persons and Witnesses upon Oath, and for other like Purposes, to each other and to the Courts acting in Matters of Bankruptcy or Insolvency in Scotland and in Ireland, and also to any Court acting in such Matters in any Colony, Island, Plantation, or Place under the Dominion of Her Majesty, or to any British Judge elsewhere so acting; and any such Court or Judge in Scotland and Ireland, or in any Colony, Island, Plantation, or Place under the Dominion of Her Majesty, or elsewhere, may in like Manner, and for the like

Purposes respectively, be auxiliary to the Courts in London and in the Country Districts, and to the County Courts, in the Discharge of their respective Duties under this Act: Provided always that all such Proofs and Examinations shall be taken down in Writing, and shall be annexed to and form Part of the Proceedings in the Matter to which the same shall relate; and that no such Proof or Examination shall be taken without the Request in Writing of the Commissioner, Registrar, or other Judge of the Court before which the Matter is being prosecuted.

Petitions and other Proceedings in Bankruptcy, and Copies, purporting to be sealed with the Seal of the Court, admissible in Evidence.

71. Any Petition for Adjudication, or for Arrangement, Adjudication of Bankruptcy, Assignment, Appointment of Trustees, Certificate, Deposition, or other Proceeding or Order in Bankruptcy, or Insolvency, or under any Trust or other Deed by virtue of any of the Provisions of this Act, appearing to be sealed with the Seal of any Court under this Act or any previous Act relating to Bankruptcy or Insolvency, or any Writing purporting to be a Copy of any such Document, and purporting to be so sealed, shall at all Times, and on behalf of all Persons, and whether for the Purposes of this Act or otherwise, be admitted in all Courts whatever as Evidence of such Documents respectively, and of such Proceedings and Orders having respectively taken place or been made, and be deemed respectively Records of the Court under the Seal of which they purport to be, without any further Proof thereof; and no such Copy shall be receivable in Evidence unless the same appear to be so sealed, except where no Seal has been provided for such Courts, in which Case a Copy purporting to be signed by the Person duly authorized to enter or have Custody of the same shall be Evidence of the same, to the same Effect as if duly sealed. A Copy of a Declaration of Insolvency under this Act, purporting to be certified by any Registrar of the Court of Bankruptcy or of a County Court under his Hand and the Seal of his Court as filed in his Court, shall be received as Evidence of such Declaration having been filed and of the Time of the filing thereof.

Judicial Notice to be taken of Signature of Commissioner or Registrar and Seal of Court.

72. All Courts, Judges, Justices, and Persons judicially acting, and other Officers, shall take judicial Notice of the Signature of any Commissioner or Registrar of the Court, and of the Seal of the Court, subscribed or attached to any judicial or official Proceeding or Document to be made or signed under the Provisions of this Act.

Evidence as to Insolvency, &c. abroad

73. A Copy of any Petition, Order, or other Proceeding in any Court having Jurisdiction for the Relief of Insolvent Debtors, or in Bankruptcy, in any of Her Majesty's Dominions, Colonies, or Dependencies,

Dependencies, purporting to be signed by the Officer in whose Custody the same shall be or his Deputy, certifying the same to be a true Copy of such Petition, Order, or Proceedings, shall in all Courts and Cases be admitted as sufficient Evidence of the same, and of such Proceedings respectively having taken place, without other Proof.

Advertisements, when Evidence.

74. A Copy of the Gazette or of any Newspaper containing any such Advertisement as is by this Act directed or authorized to be made therein respectively shall be Evidence of any Matter therein contained, and of which Notice is by this Act directed or authorized to be given by such Advertisement.

On Death of Witness, Office Deposition or Copy thereof to be Evidence.

75. In the event of the Death of any Witness deposing to the Petitioning Creditor's Debt, Trading, or Act of Bankruptcy, under any Bankruptcy heretofore or hereafter, or under any Petition for Arrangement, the Deposition of any such deceased Witness, purporting to be sealed with the Seal of the Court, or a Copy thereof purporting to be so sealed, shall in all Courts and Cases be received as Evidence of the Matters therein respectively contained.

Practice in Appeals.

Orders of Court subject to Appeal, except as herein provided.

76. All Orders of the Court of Bankruptcy, and of the Judge of any County Court acting under this Act, shall, except as may be by this Act otherwise specially provided, be subject to an Appeal to the Court of Appeal in Bankruptcy: Provided always, that if no such Appeal be entered within Twenty-one Days from the Date of any Decision or Order of the Court, and be thereafter duly prosecuted, every such Decision or Order shall be final; and that every Appeal shall be subject to such Regulation in regard to Deposit of Costs as shall by any General Rule or Order to be made in pursuance of this Act be directed.

Appeals, &c. to be entered in Office of Chief Registrar, &c.

77. Appeals to the Court of Appeal shall be brought on by Motion, and no new Evidence shall be received on any Appeal unless the Court of Appeal shall, on or before the Hearing of such Appeal, so direct, and all Affidavits and Documents to be used on the Hearing of any such Appeal shall be entered in the Office of the Chief Registrar; and the Court of Appeal sitting in Bankruptcy shall on the Hearing of such Appeals be attended by such One of the Registrars of the Court of Bankruptcy as the Lord Chancellor may direct.

Proceedings not to be stayed by Appeal.

78. Proceedings in Bankruptcy shall not be stayed by any Appeal, unless on special Cause shown the Court from which

the Appeal is taken shall order them to be stayed. The Court of Appeal shall in all Cases have Power, either on Motion before the Hearing or when deciding any Appeal, to order any such Proceedings to be taken as may, in the Circumstances at the Time, appear to it proper for the due and convenient Prosecution of the Bankruptcy, although the Time fixed for any such Proceeding may have expired.

General Orders.

Purposes for which General Orders are to be framed.

79. The Lord Chancellor shall, with the Assistance of Two Commissioners, and subject to the Provisions of this Act, frame General Orders for the following Purposes:

For regulating the Practice and Procedure of the Courts of Bankruptcy, and the several Forms of Petitions, Orders, and other Proceedings to be used in the said Courts, in all Matters under this Act;

For regulating the Duties of the various Officers of such Courts;

For regulating the Fees payable and the Charges and Costs to be allowed with respect to all Proceedings before such Courts, and before the County Courts acting in Bankruptcy;

For regulating the Practice and Procedure upon Appeals;

For regulating the Filing, Custody, and Inspection of Records;

And, generally, for carrying the Provisions of this Act into effect.

General Orders in County Courts.

80. For regulating the Practice and Procedure of the County Courts and the Place and Times of sitting thereof in Matters under this Act, General Orders shall be framed in conformity with the Provisions of this Act, and subject to the Sanction of the Lord Chancellor, by such Judges of the said Courts as the Lord Chancellor shall from Time to Time nominate for that Purpose.

Alteration of General Orders.

All General Orders to be laid before Parliament.

81. Such General Orders may be at any Time rescinded or varied, and other General Orders may be framed in manner aforesaid; and all General Orders so framed from Time to Time shall be laid before both Houses of Parliament within One Month after the framing or Approval thereof by the Lord Chancellor, if Parliament be then sitting, or if Parliament be not then sitting within One Month from the Commencement of the then next Session of Parliament.

Fees and Stamps.

General Orders to direct what Fees to be paid.

82. General Orders may from Time to Time direct what Fees, other than those herein directed, shall be paid in respect of any Matters of Bankrupty or Proceedings under this Act, and may vary or abolish the Fees by this Act made payable, but so that the Fees

Fees imposed shall not be of an Amount higher than that by this Act prescribed; provided that all Fees shall be received and taken by means of Stamps having the Word "Bankruptcy" impressed or affixed thereon, in manner herein-after provided. Fees to be received in Stamps.

83. Every Document enumerated in Schedule (C.) shall, in lieu of all Fees thereupon, be printed or written upon Vellum, Parchment, or Paper bearing the Stamp Duty, or having affixed to it an adhesive Stamp of the Amount set opposite to such Documents respectively in such Schedule, and having the Word "Bankruptcy" on every such Stamp. When any such Document shall consist of more than One Sheet, the First Sheet thereof only shall have such Stamp impressed or affixed thereon. Certain Documents to be on stamped Vellum, &c. in lieu of Fees.

84. No Document which by this Act or by any General Order is or shall be required to be stamped shall be received or filed or be used in relation to any Proceeding in the Court, or be of any Validity for any Purpose whatever, unless or until the same shall have the proper Stamp impressed or affixed thereon: Provided that if at any Time it shall appear that any Document which ought to have had such Stamp has, through Mistake or Inadvertence, been received or filed or used without having such Stamp, the Court may order that such Stamp shall be impressed or affixed thereon; and when a Stamp shall have been so impressed or affixed on such Document, such Document, and every Proceeding in reference thereto, shall be as valid and effectual as if such Stamp had been impressed or affixed thereon in the first instance: Provided also, that nothing herein contained shall affect the Provisions contained in the Twenty-seventh Section of the Act of the Session of Parliament of the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, Chapter Eighty-three, or the Provisions of "The Common Law Procedure Act, 1854." Documents not to be received without a Stamp. Proviso where so received through Mistake.

85. The Commissioners of Inland Revenue shall give the necessary Directions for carrying into effect the Provisions of this Act with respect to Stamp Duties in lieu of Fees, and shall cause separate and distinct Accounts to be kept of all Sums of Money collected or received by them under the Provisions of this Act, and of all Costs, Charges, and Expenses incurred by them or by their Order in carrying the same into effect; and after Deduction of all such Costs, Charges, and Expenses, they shall from Time to Time, and in such Manner as may by any General Rule or Order to be made in pursuance of this Act be directed, pay over the Monies so to be collected and received into the Bank of England, to the Credit of Commissioners of Inland Revenue to give the necessary Directions, to keep separate Accounts, &c., and to pay over Monies received to Bank of England.

the Accountant in Bankruptcy, to the Account intituled "The Chief Registrar's Account."

Commissioners of Inland Revenue may appoint Persons for Sale and Distribution of Stamps, and make Allowance for spoiled Stamps.

86. The Commissioners of Inland Revenue may appoint such Persons as they may think fit for the Sale of Stamps under this Act, and allow to them such Discount or Poundage upon such Sale as may by any General Rule or Order to be made in pursuance of this Act be directed or authorized, and it shall be lawful by any such General Rule or Order to make Regulation for the Allowance of such Stamps issued under the Provisions of this Act as may have been spoiled or rendered useless, or unfit for the Purpose intended, or for which the Owner may have no immediate Use, or which through Mistake or Inadvertence may have been improperly or unnecessarily used, and such Allowance shall be made either by giving other Stamps in lieu of the Stamps so allowed, or by repaying the Amount or Value to the Owner or Holder thereof, after deducting the Discount or Poundage allowed on the Sale of Stamps of the like Kind.

Provisions of Acts relating to Stamps to be applied to the Stamps to be provided under this Act.

87. The Provisions contained in the several Acts for the Time being in force relating to Stamps under the Care or Management of the Commissioners of Inland Revenue shall (so far as the same are applicable, and consistent with the Provisions of this Act), in all Cases not hereby expressly provided for, be of full Force and Effect with respect to the Stamps to be provided by virtue of this Act, and to the Vellum, Parchment, or Paper on which the same shall be impressed, and shall be applied and put in execution for collecting and securing the Sums of Money denoted thereby, and for preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relating thereto, as fully and effectually to all Intents and Purposes as if such Provisions had been herein repeated and specially enacted with reference to the last-mentioned Stamps and Sums of Money respectively.

Deeds and other Instruments relating to Bankruptcy not liable to Stamp Duty.

88. No Deed, Conveyance, Assignment, Surrender, Admission, or other Assurance of or to or relating solely to any Freehold, Leasehold, Copyhold, or Customary Messuages, Lands, or Tenements, or to any Mortgage, Charge, or other Incumbrance upon, or any Estate, Right, or Interest of and in, any Messuages, Lands, Tenements, or Personal Estate, being the Estate of or belonging to any Bankrupt, or Part or Parcel thereof, and which after the Execution of such Deed, Conveyance, Assignment, Surrender, or Assurance respectively shall, either at Law or in Equity, be or remain the Estate and Property of such Bankrupt, or of the Assignee or Trustee appointed or chosen under any Bankruptcy, and no Power of Attorney,

Attorney, Proxy, Writ, Order, Certificate, Affidavit, Bond, or other Instrument or Writing whatsoever relating solely to the Estate or Effects of any Bankrupt, or to any Part thereof, or to any Proceeding under any Bankruptcy, shall be liable to any Stamp Duty, or to any other Duty whatsoever, save and except such Stamp Duty as is mentioned in Schedule (C.)

Officers, &c. taking Fees improperly.

89. If any Judge, Commissioner, Registrar, Accountant, Master, Comptroller, or any other Officer of the Courts of Bankruptcy, or of any County Court acting in Matters under this Act, or any Clerk of any Officer acting under this Act, shall, for anything done or pretended to be done under this Act, or under colour of doing anything thereunder, fraudulently and wilfully demand or take, or appoint or allow any Person whatsoever to take, for him or on his Account, or for or on account of any Person by him named, or in trust for him or for any other Person by him named, any Fee, Emolument, Gratuity, Sum of Money, or any Thing of Value whatsoever, other than is allowed by this Act, such Person, when convicted thereof, shall forfeit and pay the Sum of Five hundred Pounds, and is hereby rendered incapable of holding any Office or Place under Her Majesty.

Officers of the Court may be dismissed for Fraud or wilful Neglect in relation to Stamps.

90. If any such Judge, Commissioner, Officer, or Person shall fraudulently do, commit, or connive at any fraudulent Act or Practice in relation to any Stamp used or required to be used in any Matter under this Act, or to any Fee or Sum of Money collected or which ought to be collected by means of any such Stamp or otherwise, or shall be guilty of any fraudulent Act, Neglect, or Omission, whereby any Fee which ought to be collected by means of such Stamp or otherwise shall be lost or the Payment thereof evaded, such Judge, Commissioner, Officer, or Person so offending shall be liable to be dismissed from his Office or Employment.

Abolition of Imprisonment for Debt.

Arrest upon Final Process in an Action for Debt or Decree in Equity abolished.

91. No Person shall hereafter be taken or charged in Execution upon any Judgment already obtained or hereafter to be obtained in any of Her Majesty's Superior Courts, or in any County Court or other Inferior Court, in any Action for the Recovery of any Debt or Damages; nor shall any Person be attached or imprisoned on any Decree or Order of any Court of Equity or in Lunacy, made to enforce the Payment of Money: Provided that nothing herein contained shall be held to affect the Provisions contained in the Act of the Seventh and Eighth Years of Her present Majesty, Chapter Ninety-six, the Act of the Eighth and Ninth Years of Her present Majesty, Chapter One hundred and twenty-seven, and the Act of the Ninth and Tenth Years of Her present Majesty, Chapter Ninety-

Ninety-five respectively, with regard to the Arrest or Imprisonment of Persons under or by virtue of an express Order of a Judge, made in an Action for Recovery of a Debt, or of a Commissioner, Court, or Judge made upon a Summons for Payment of a Debt due upon a Judgment or Order of Court, whereby such Arrest or Imprisonment under or by virtue of such Order for such limited Periods of Time as in the same Acts respectively mentioned is expressly authorized.

Discretion of County Court Judge under 8 & 9 Vict. c. 127. and 9 & 10 Vict. c. 95.

92. Every Judge in acting under the Two last-mentioned Statutes, and in deciding whether the Party summoned before him has then or has had since the Judgment obtained against him sufficient Means and Ability to pay the Debt or Damages, or Costs so recovered against him, either altogether or by any Instalment or Instalments as ordered, shall take into consideration all the Debts and Liabilities of the Party so summoned, and his Conduct in disposing of his Money or Property since the Judgment was given.

Persons in Execution at the Time of passing this Act shall be discharged on Application to a Judge.

93. Any Person in Execution or imprisoned at or after the Time of this Act coming into operation solely upon or by virtue of any Judgment, Decree, or Order upon which, if the same had been obtained or made after the Commencement of this Act, such Person could not be taken or charged in Execution, or attached or imprisoned, may make Application to a Judge of One of Her Majesty's Superior Courts of Law at Westminster, or to the Court in or by which such Judgment shall have been obtained or such Decree or Order shall have been made, to be discharged out of Custody, and on such Application, and on the Facts entitling such Person to apply under this Act for such Discharge being proved to the Satisfaction of such Judge or Court, such Person shall be forthwith discharged out of Custody, without Payment of any Fees, by an Order of such Judge or Court: Provided that if it shall happen that any such Discharge shall have been unduly or fraudulently obtained upon any false Allegation of Circumstances, which, if true, might have entitled the Prisoner to be discharged by virtue of this Act, such Prisoner shall, upon the same being made to appear to the Satisfaction of the Judge or Court by whose Order such Prisoner shall have been so discharged, be liable to be again taken in Execution and remanded to his former Custody by an Order of such Judge or Court: Provided also, that no Sheriff, Gaoler, or other Person whatsoever shall be liable as for the Escape of any such Prisoner in respect of his Enlargement during such Time as he shall have been at large by means of such his undue Discharge as aforesaid: Provided also, that notwithstanding the

Proviso for Discharge fraudulently obtained.

Sheriffs, &c. not liable as for Escape.

Judgment, &c. to remain in

Discharge

Discharge of any Debtor by an Order of any such Judge or Court in manner aforesaid, the Judgment, Decree, or Order whereupon any such Debtor was taken or charged in Execution, or attached or imprisoned, shall nevertheless remain in full Force to the Intent that the Creditor thereunder may have and take Remedy and Execution upon every such Judgment, Decree, or Order against the Property and Effects of any such Debtor in such Manner and Form as such Creditor otherwise could or might have done in case such Debtor had never been taken or charged in Execution or attached or imprisoned upon such Judgment, Decree, or Order.

force notwithstanding the Discharge of the Debtor.

94. The Provisions contained in the Act passed in the Seventh and Eighth Years of the Reign of Her present Majesty, Chapter Ninety-six, Sections Seventy and Seventy-one, shall be applicable to Persons whose Emoluments may be diminished by the Operation of this Act, in so far as the same relates to Imprisonment for Debt.

Compensation to Persons who may lose Emoluments.

Acts of Bankruptcy.

1. Of any Person.

95. If any Person shall, with Intent to defeat or delay his Creditors, depart this Realm, or being out of this Realm shall with such Intent remain abroad, or shall with such Intent make, either within this Realm or elsewhere, any fraudulent Conveyance, Gift, Delivery, or Transfer of his Real or Personal Estate, or any Part thereof respectively, such Person shall be deemed to have thereby committed an Act of Bankruptcy.

Person going, or remaining abroad, or making fraudulent Conveyance, with Intent to defeat or delay his Creditors.

96. If any Debtor, having been arrested or committed to Prison for Debt or Nonpayment of Money, in virtue of any Judge's Order which under this Act is still valid for such Purpose, shall, upon such or any other such Arrest or Commitment or Detention for Debt or Nonpayment of Money, lie in Prison, being a Trader, for Fourteen Days, or, not being a Trader, for Two Calendar Months, every such Debtor shall be deemed thereby to have committed an Act of Bankruptcy; or if any such Debtor, having been arrested or committed for Debt, or for Nonpayment of Money, shall escape out of Prison or Custody, every such Debtor shall be deemed to have thereby committed an Act of Bankruptcy from the Time of such Arrest or Commitment.

Debtor lying in Prison, or escaping out of Prison.

97. If any Debtor shall file in the Office of the Chief Registrar, or with the Registrar of a District Court of Bankruptcy, or of a County Court having Jurisdiction in Bankruptcy, a Declaration in Writing in the Form contained in Schedule (D.), signed by such Debtor,

Debtor filing a Declaration that he is unable to meet his Engagements.

Debtor, and attested by a Registrar of the Court, or by an Attorney or Solicitor, that he is unable to meet his Engagements, every such Debtor shall be deemed to have thereby committed an Act of Bankruptcy at the Time of filing such Declaration, provided a Petition for Adjudication of Bankruptcy shall be filed against him within Two Months from the filing of such Declaration. The Registrar or Officer with whom such Declaration is filed shall immediately on Receipt thereof mark thereon the Day and Hour when the same was so filed.

Petition by or against Debtors followed by Adjudication, in the Foreign Dominions of the Crown.

98. The filing of a Petition by or against a Debtor, whether a Trader or not, in any Court having Jurisdiction for the Relief of Insolvent Debtors in Insolvency or Bankruptcy in any of Her Majesty's Dominions, Colonies, or Dependencies, and the Adjudication of Insolvency or Bankruptcy on such Petition, shall, for the Purposes of this Act, be conclusive Evidence of an Act of Bankruptcy committed by such Debtor at the Time of filing such Petition, provided such Adjudication be not recalled or annulled; and in any Proceeding founded thereon it shall be sufficient to allege such Petition and Adjudication, without otherwise showing the particular Act of Bankruptcy committed by such Debtor.

2. Of Traders only.

Departing the Dwelling, absenting, beginning to keep House, fraudulent Execution.

99. If any Trader shall depart from his Dwelling House or otherwise absent himself, or begin to keep his House, or suffer himself to be outlawed, or procure his Goods, Money, or Chattels to be attached, sequestered, or taken in Execution, every such Trader doing, suffering, or procuring any of the Acts, Deeds, or Matters aforesaid, with Intent to defeat or delay his Creditors, shall be deemed to have thereby committed an Act of Bankruptcy.

Compounding with Petitioning Creditor.

100. If any Trader, after the filing of any Petition for Adjudication of Bankruptcy against him, shall pay Money to the Petitioning Creditor, or give or deliver to such Petitioning Creditor any Satisfaction or Security for his Debt or for any Part thereof, whereby such Petitioning Creditor may receive more in the Pound in respect of his Debt than the other Creditors, such Payment, Gift, Delivery, Satisfaction, or Security shall be an Act of Bankruptcy.

Suffering Execution to be levied.

101. If any Execution shall be levied by Seizure and Sale of any of the Goods and Chattels of any Trader Debtor, upon any Judgment recovered in any Action Personal for the Recovery of any Debt or Money Demand, every such Debtor shall be deemed to have committed an Act of Bankruptcy at the Time of the Seizure of such Goods and Chattels.

3. On

3. On Trader Debtor Summons.

On Creditor making Affidavit of his Debt, and of his having given Notice requiring immediate Payment, &c., Court may summon the Trader.

102. If any Creditor of a Trader file an Affidavit in the Court of Bankruptcy or County Court of the District in which such Trader resides or carries on any Business, in the Form specified in Schedule (E.), of the Truth of his Debt, and of the Debtor, as he verily believes, being such Trader, and of the Delivery to such Trader personally, or to some adult Inmate at his usual or last known Place of Abode or Business, of an Account in Writing of the Particulars of his Demand, with a Notice thereunder requiring immediate Payment thereof, in the Form specified in Schedule (F.), it shall be lawful for the Court in which such Affidavit is filed to issue a Summons in the Form contained in Schedule (F.), to be called a Trader Debtor Summons, calling upon such Trader to appear before such Court, and stating in such Summons the Purpose for which such Trader is called upon to appear, as herein-after provided. Such Summons shall be served personally, unless the Court issuing the same shall direct, that Service thereof made in some other Manner shall be good Service. If the Debt appear by such Affidavit to be due from Two or more Persons carrying on Trade in Partnership, the Delivery of such Account and Notice to any One of the Partners personally, or to some adult Inmate at his usual or last known Place of Abode or Business, and also at the Place of Business of the Firm, as aforesaid, shall be sufficient to authorize the Court to issue such Summons against any other of such Partners, as well as against the Partner served with such Account and Notice as aforesaid. Such Summons may be issued by and the subsequent Proceedings under the same may be taken before the Registrar of a County Court during the Absence of the Judge of such Court.

Notice, &c. in Cases of Partnership.

Manner of proceeding upon the Appearance of the Trader.

103. Upon the Appearance of the Trader so summoned it shall be lawful for the Court to require him to state whether or not he admits the Demand of the Creditor, or any and what Part thereof, and if he shall admit such Demand or any Part thereof, to reduce such Admission into Writing in the Form contained in Schedule (H.), which the Trader shall sign, and the same shall thereupon be filed in Court; and it shall also be lawful for the Court to allow the Trader upon his said Appearance to make a Deposition upon Oath, to be signed by him and to be filed in Court, in the Form contained in Schedule (I.), that he verily believes he has a good Defence upon the Merits to such Demand, or to some and what Part thereof; and in such Case it shall be lawful for the Court at the same Time to require such Trader to enter into a Bond, according to the Form contained in the Schedule (K.), in such Sum and with such Two sufficient Sureties as the Court shall approve of, to pay such Sum or Sums as shall

be recovered, together with such Costs as shall be given in any Action which shall have been or shall be brought for the Recovery of such Demand, or of any Part thereof in respect of which such Deposition is made.

Admission of Debt signed elsewhere than in Court, if attested by Trader's Attorney, to have the same Force as an Admission signed in Court.

104. Any Admission of any Debt made after such Summons, and signed by any such Trader elsewhere than before the Court, or before any Registrar thereof, may be filed in Court, and shall be of the same Force and Effect to all Intents and Purposes as an Admission signed by such Trader on his Appearance in Court, provided such Admission be made in the Form contained in Schedule (L.), and there be present some Attorney of One of Her Majesty's Superior Courts of Law on behalf of such Trader, expressly named by him and attending at his Request, to inform him of the Effect of such Admission before the same is signed by such Trader, and provided also, that such Attorney do subscribe his Name thereto as a Witness to the due Execution thereof, and in such Attestation declare himself to be Attorney for the said Trader, and state therein that he subscribes as such Attorney.

Acts of Bankruptcy on Trader Debtor Summons.

105. If the Trader, after being served with a Trader Debtor Summons under Section One hundred and two of this Act, fail to come before the Court at the Time appointed in such Summons, without lawful Impediment allowed by the Court, or, if appearing to such Summons or at any Enlargement or Adjournment thereof, he shall refuse to sign an Admission of the whole Demand, and fail to make the Deposition, and, if required by the Court, to enter into the Bond referred to in Section One hundred and three, he shall be deemed to have committed an Act of Bankruptcy on the Eighth Day after Service of the Summons; provided a Petition for Adjudication of Bankruptcy shall be filed against him within Two Months after the Date of filing the Affidavit on which the Trader Debtor Summons issued.

Acts of Bankruptcy on Admission of Debt.

106. If the Trader shall sign an Admission of the whole Debt, but shall fail to pay the Amount thereof within Seven Days after filing such Admission, or, if signing an Admission of Part only of such Debt, he shall fail within Seven Days after filing such Admission to pay the Amount admitted, or shall not within such Seven Days, or within such enlarged Time as may be allowed by the Court, or by the Registrar, as the Case may be, enter into the Bond referred to in Section One hundred and three, he shall be deemed to have committed an Act of Bankruptcy on the Eighth Day after filing the Admission, provided a Petition for Adjudication of Bankruptcy against him be filed within Two Months from the Time of filing the Affidavit on which the Trader Debtor Summons issued.

107. On

Court may award Costs to the Creditor or the Trader summoned.

107. On a Trader Debtor Summons the Creditor or Trader shall have such Costs as the Court in its Discretion shall think fit, or the Court may direct the Costs of either Party of, incident to, or attendant upon the Affidavit and Summons to abide the Event of any Action which shall have been brought or shall thereafter be brought for the Recovery of such Demand or any Part thereof, and in such Case such Costs shall be Costs in the Cause, and shall be recovered under the Judgment and Execution in such Action.

If Creditor bring an Action, and do not recover the Amount sworn to in his Affidavit of Debt, and if the Affidavit be made for such Amount without probable Cause, the Defendant in the Action shall be entitled to Costs.

108. In every Action wherein any such Creditor is Plaintiff and any such Trader is Defendant, and wherein the Plaintiff shall not recover the full Amount of the Sum for which he shall have filed an Affidavit of Debt as aforesaid, the Defendant shall be entitled to Costs of Suit, to be taxed according to the Custom of the Court in which such Action shall have been brought, provided that it shall be made appear to the Satisfaction of the Court in which such Action is brought, upon Motion to be made in Court for that Purpose, and upon Hearing the Parties by Affidavit, that the Plaintiff in such Action had not any reasonable or probable Cause for making such Affidavit of Debt in such Amount as aforesaid, and provided such Court shall thereupon, by Rule or Order, direct that such Costs shall be allowed to the Defendant; and the Plaintiff shall, upon such Rule or Order being made, be disabled from taking out any Execution for the Sum recovered in any such Action, unless the same shall exceed (and then for such Sum only as the same shall exceed) the Amount of the taxed Costs of the Defendant in such Action; and in case the Sum recovered in any such Action shall be less than the Amount of the Costs to be taxed as aforesaid of the Defendant, then the Defendant shall be entitled after deducting the Sum of Money recovered by the Plaintiff in such Action from the Amount of his Costs so to be taxed, to take out Execution for such Costs in like Manner as a Defendant may now by Law have Execution for Costs in other Cases.

Proceedings to obtain Adjudication of Bankruptcy.

1. Proceedings by Petition.

Any Creditor may petition, but no Debtor may.

109. Any Creditor, whatever the Amount of his Debt, may petition for Adjudication of Bankruptcy against a Debtor who has committed an Act of Bankruptcy within Twelve Months prior to the filing of such Petition, and subsequent to the Contraction of such Debt or any Part thereof, and whether an Act of Bankruptcy had been committed prior to such Contraction or not; but no Debtor shall hereafter be entitled to petition for Adjudication against himself.

 110. In

What shall be considered Debts for such Purpose.

110. In the Computation of Debts for the Purpose of any Petition under this Act, there shall be reckoned as Debts:—

1. Debts unsecured:
2. Sums due to Creditors holding Mortgages, Securities, or Liens, after deducting the Value of the Property comprised in any such Mortgage, Security, or Lien, which Value shall be specified in the Petition, in the same Manner as is hereinafter provided for the Purpose of Proof; and such Statement of Value shall be binding upon the Petitioner in the same Manner and for the same Purposes as if it had been made upon the Proof of his Debt under the Adjudication:
3. Such Interest and Costs as, after making a like Deduction in case of any Mortgage, Security, or Lien, shall be due in respect of any of the Debts:
4. Any Credit given to any Debtor upon valuable Consideration for any Sum payable at a certain Time, which Time shall not have arrived when such Debtor committed the Act of Bankruptcy in respect of which the Petition is filed, after making from such Credit a like Deduction for any Mortgage, Security, or Lien held for the same:

But no Debt barred by any Statute of Limitations, or which has been proved or proveable against the Debtor under any prior Bankruptcy or Insolvency in any Part of Her Majesty's Dominions, shall be deemed a Debt for the Purpose of this Section.

Form of Petition and Affidavit.

111. Petitions for Adjudication of Bankruptcy shall be in the Form specified in Schedule (M.), and the Truth thereof verified by the Affidavit of the Petitioner in the Form specified in Schedule (N.)

Court in which to be filed.

112. Every such Petition shall be filed of Record, and the Petition shall, except as herein-after provided, be filed and prosecuted, when the Debt therein stated is Fifty Pounds or upwards, in the Court of Bankruptcy, and when under Fifty Pounds in the County Court within the District of which respectively the Debtor has resided or carried on Business during the Six Months next preceding the filing of the Petition, or for the longest Period during such Six Months; but when such Place of Residence or of carrying on Business is situated within the Districts of the Metropolitan County Courts, the Petition shall in all Cases be filed in the Court of Bankruptcy. If the Debtor shall not have resided or carried on Business within the Jurisdiction of any such Court during the Six Months next preceding the filing of the Petition the Petition shall be

be filed in the Court of the District within which such Debtor shall have last resided or carried on Business.

Power to consolidate, impound, and transfer Proceedings upon Petitions.

113. Any Court, or the Court of Appeal, on Appeal, may consolidate the Proceedings or any Part thereof under Two or more Petitions for Adjudication of Bankruptcy, or may impound any Petition for Adjudication of Bankruptcy, and the Proceedings thereunder, or any Part thereof, upon such Terms as the Court shall think fit.

Before Adjudication against a Debtor under Section 90. the Petition to be served.

114. Before Adjudication of Bankruptcy shall be made on a Petition against a Debtor who is not a Trader in respect of an Act of Bankruptcy defined in Section Ninety-five, a Copy of the Petition shall be served on him personally, or if it be found impracticable to serve him personally, in such Manner as the Court upon a special Application being made for that Purpose shall deem proper and sufficient to bring the same to his Knowledge, having endorsed thereon a Memorandum, in a Form to be settled by General Order, specifying the Time within which the Debtor is to appear on such Petition. Such Time shall in no Case be less than Thirty Days after Service; and when the Service is to be made abroad, the Time for Appearance shall be fixed by the Court as it shall think reasonable, having regard to the Place or Country where the Service is to be made.

Court may before Adjudication summon Witnesses to prove Act of Bankruptcy

115. The Court, before Adjudication upon any Petition, may summon before it any Person whom such Court shall believe capable of giving any Information concerning the Trading of or concerning any Act of Bankruptcy committed by the Person against whom any Petition for Adjudication of Bankruptcy has been filed, and may require any Person so summoned to produce any Books, Papers, Deeds, and Writings, and other Documents, in his Custody, Possession, or Power, which may appear to the Court to be necessary to establish such Trading or Act of Bankruptcy; and it shall be lawful for the Court to examine any such Person upon Oath, by Word of Mouth, or Interrogatories in Writing, concerning such Trading or Act of Bankruptcy.

Court to make Adjudication, &c. upon Proofs of requisite Conditions.

116. The Court, upon a Petition for Adjudication, and upon Proof of the Petitioning Creditor's Debt, and of the Trading when necessary to be proved, and of the Act of Bankruptcy of the Person against whom such Petition is filed, and, when Service of the Petition is required, on the Appearance of the Person against whom the Petition is filed, or, if not appearing, on Proof of such Service, or on Proof to the Satisfaction of the Court that

every reasonable Effort was made to effect the same, and that such Attempt came to the Knowledge of the Debtor, and was defeated by his Conduct, and that the Time limited for Appearance has expired, shall adjudge such Person bankrupt.

Where Petitioner does not proceed Power for Court to adjudicate.

Court may proceed notwithstanding Death of Bankrupt.

117. If the Petitioning Creditor shall not proceed and obtain Adjudication within Three Days after his Petition has been filed, or after the Period limited for Appearance in any Case, or within such extended Time as shall be allowed by the Court, or if he shall withdraw his Petition, the Court may, upon the Petition of any other duly qualified Creditor who has filed an Affidavit in the Form of Schedule (N.), and who shall in either Case be considered as the Petitioning Creditor under this Act, proceed to adjudicate either on the Petition first filed or on such last-mentioned Petition. If no such Creditor shall within any of the Times aforesaid apply to the Court to adjudicate upon such Petition, no further Proceeding shall be taken or had thereon. If any Bankrupt shall die after Adjudication, the Court may proceed in the Bankruptcy as if such Bankrupt were living.

Petitioning Creditor to proceed at his own Costs until Election of Trustee.

118. The Petitioning Creditor shall at his own Costs file and prosecute his Petition, until a Trustee has been elected, and the Costs shall, on being taxed by the proper taxing Officer of the Court, be repaid to him by the Trustee out of the first Monies that shall come into his Hands.

2. Proceedings by Judgment Debtor Summons.

Judgment Debtor Summons, who may sue it out, and when.

119. Every Judgment Creditor entitled to sue out against a Debtor a Writ of Fieri facias in respect of any Debt or Costs shall be entitled, on filing an Affidavit in the Form contained in Schedule (O.), to sue out against the Debtor a Summons, to be called a Judgment Debtor Summons, in the Form of Schedule (P.), requiring him to appear and be examined respecting his Ability to satisfy the Debt on a Day to be fixed in such Summons, being not less, in the Case of a Trader, than Eleven Days, or, in the Case of any other Person, than One Month, from the Date of signing of the Judgment, and every such Summons shall be served on the Debtor not less than Four Days before the Time fixed for his Appearance as aforesaid.

The like, in Cases of Disobedience to Decree in Equity, or Order in Bankruptcy or Lunacy.

120. When a Decree or Order of a Court of Equity, or an Order in Bankruptcy or Lunacy, directing the Payment of Money, is disobeyed by the Debtor, the same having been duly served on him, and the Person entitled to receive the Money or interested in enforcing Payment of it has obtained a peremptory Order of the competent

competent Jurisdiction, fixing a Day for Payment, and the Debtor does not, being a Trader, within Seven Days, or, not being a Trader, within Two Calendar Months, after Service on him of the peremptory Order, or, such Order having been duly served, within Seven Days after the Day fixed by the peremptory Order for Payment (which shall last happen), pay the Money, the Creditor shall be entitled at the End of those Seven Days to sue out against the Debtor a Judgment Debtor Summons in the Form in Schedule (P.)

Court out of which such Summons shall issue.

121. The Judgment Debtor Summons shall, unless the Court shall in any Case otherwise direct, issue according to the following Rules:

When the Debtor is in England, then out of the Court of Bankruptcy or the County Court for the District in which the Debtor usually lives, or at the Time of the issuing of the Summons happens to be:

When the Debtor is not in England, then out of the Court of Bankruptcy or the County Court for the District in which is the Debtor's usual or last known Place of Abode in England.

Service of Summons.

122. When the Debtor is in England the Summons shall be served personally, unless the Court issuing the same shall in any Case direct that Service in some other Manner shall be good Service: When the Debtor is in Custody a Duplicate of the Summons shall be delivered to the Gaoler or other Person in whose Custody he is, who shall bring him up according to the Summons, at the Costs of the summoning Creditor: When the Debtor is not in England, the Court, upon such Evidence as shall satisfy it that the Service will be effectual to give Notice to the Debtor, may order Service to be made in such Manner and Form as it shall deem fit, and shall appoint a Time by such Order for the Appearance of the Debtor.

Where Service cannot be effected, &c., Court may order Notice in Gazette, &c.

123. If Service of the Summons be not effected, and the Court is satisfied that the Debtor is keeping out of the way either to avoid Service thereof or to avoid legal Process generally, it may order that One or more Notices be inserted in the Gazette, and in One or more Newspapers published in the District in which is the Debtor's usual or last known Place of Abode, in the Form contained in Schedule (Q.), requiring him to appear on a Day named, being not less than Fourteen Days after the Publication of the first Notice.

Procedure upon Appearance of Debtor.

124. Upon the Appearance of the Debtor he may be examined on Oath, by or on behalf of the Creditor and by the Court, respecting his Ability to satisfy the Debt, and for the Discovery of Property applicable in that Behalf, and shall be bound to produce, on Oath or otherwise, such Books, Papers, and Documents in his Possession or Power relating to Property applicable or alleged to be applicable to the Satisfaction of the Debt, as the Court shall think fit, and to sign his Examination when reduced into Writing.

Debtor refusing to conform may be committed.

125. The Provisions contained in Section One hundred and ninety-one of this Act relating to the Committal of a Bankrupt refusing to be sworn, or doing or omitting the other Acts or Things therein mentioned, shall apply to a Debtor appearing on a Judgment Debtor Summons.

Adjudication upon Summons and Nonpayment, or for Failure to appear.

126. If, after Service of such Summons, or due Notice thereof, as aforesaid, the Debtor shall not pay the Debt and Costs, the Court may, on the Appearance of the Debtor, or if he shall not appear, having no lawful Impediment allowed by the Court, adjudge him bankrupt, without the Presentation of a Petition for Adjudication or other Proceeding; and the Adjudication shall have relation back to the Service of the Summons, or the Publication of the first Notice in the Gazette, as the Case may be. The Stamp Duty payable upon the Presentation of a Petition for Adjudication of Bankruptcy shall be paid in respect of Adjudication under this Section by the Judgment Creditor on Adjudication being made.

Stamp Duty thereupon.

3. Proceedings in respect of Adjudication abroad.

Where Debtor who has been adjudged bankrupt, &c. in India or the Colonies, resides or has Property in England, &c., Power to obtain Adjudication in England, &c., and Proceedings thereupon.

127. If any Person who shall have been duly adjudged or declared bankrupt or insolvent in India, or in any of the Foreign Dominions, Plantations, or Colonies of Her Majesty, shall be resident or shall be possessed of Property in England, Ireland, or Scotland, or in any Colony, Plantation, or Foreign Possession of the Crown, it shall be lawful for the Assignee, Trustee, or other Representative of the Creditors of such Bankrupt or Insolvent to apply for and obtain an Adjudication of Bankruptcy, Sequestration, or Insolvency against such Person in the Court of Bankruptcy in England, and in the proper Court in Scotland, Ireland, and such Colony, Plantation, or Foreign Possession of the Crown respectively, and by virtue thereof the same Order and Disposition shall be had and taken with respect to the Person and Property of the Bankrupt or Insolvent as if he had been originally adjudged bankrupt or insolvent

insolvent by the Court or Tribunal so applied to. Upon such Application it shall not be necessary for the Assignee, Trustee, or other Representative of the Creditors of the Person so declared bankrupt or insolvent as aforesaid to give Proof of any Act of Bankruptcy or Petitioning Creditor's Debt, or to produce any other Evidence than a duly certified Copy of the Order or Adjudication by which such Person was found or adjudged bankrupt or insolvent.

4. Proceedings by or against Partnerships.

Petition by the public Officer of Public Company.

128. A Petition for Adjudication of Bankruptcy or Judgment Debtor Summons against any Debtor indebted to any Body Politic or public Company incorporated or duly authorized to sue and be sued in the Name of a public Officer or Agent may be filed or sued out by such public Officer or Agent as the nominal Petitioner for and on behalf of such Body Politic or Company, provided such public Officer or Agent shall, by a Declaration signed by him, in the Form contained in Schedule (R.), declare that he is such public Officer or Agent, and that he is authorized to file the Petition for Adjudication or sue out the Judgment Debtor Summons, as the Case may be.

Petitions may be presented against One or more Partners in a Firm; and Petitions against Two or more Persons may be dismissed as to One or more without affecting the rest.

129. Any Creditor whose Debt entitles him to petition for Adjudication of Bankruptcy against all the Partners of any Firm may petition for such Adjudication against One or more Partners of such Firm; and in every Petition for Adjudication against Two or more Persons the Court may dismiss the same as to One or more of such Persons, and the Validity of such Petition shall not be thereby affected as to any Person as to whom such Petition is not ordered to be dismissed.

In Cases of a Second or other Petition against One or more Members of a Firm, the same shall be prosecuted in the Court in which the first was prosecuted, &c.

130. After a Petition for Adjudication of Bankruptcy filed against One or more Member or Members of a Firm, any Petition for Adjudication of Bankruptcy against any other Member or Members of such Firm shall be filed and prosecuted in the Court in which the First Petition was prosecuted; and immediately after the Adjudication under such other Petition all the Estate, Real and Personal, of such Bankrupt or Bankrupts, shall vest in the Trustees under the First Adjudication, and thereafter all separate Proceedings under such Petition or Petitions shall be stayed, and such Petition shall, without affecting the Validity of the First Petition, be annexed to and form Part of the same; provided that the Court may direct that such other Petition shall be filed and prosecuted in any other Court, or that Proceedings therein may be taken either separately or in conjunction with the First Petition; and such Direction shall be made by a Memorandum to that Effect endorsed

endorsed on such Petition or Petitions and under the Hand of the Commissioner.

Notice and Annulling of Adjudication.

No Adjudication to be dismissed by reason only of Concert.

131. No Petition for Adjudication of Bankruptcy shall be dismissed, nor any Adjudication annulled, by reason only that the Petition, or Adjudication, or Act of Bankruptcy, has been concerted or agreed upon between the Bankrupt, or any Person on his Behalf, and any Creditor or other Person.

Bankrupt to have Notice thereof before Advertisement of Adjudication, and to be allowed Seven Days, or such extended Time, not exceeding Fourteen Days, as the Court shall think fit, to show Cause against Adjudication.

132. Before Notice of any Adjudication of Bankruptcy made on a Petition or Judgment Debtor Summons (save as herein-after excepted) shall be given in the Gazette, a Duplicate of such Adjudication shall be served on the Person adjudged bankrupt, personally or by leaving the same at the usual or last known Place of Abode or Place of Business of such Person, or otherwise as the Court may order; and such Person shall be allowed Seven Days, or such further Time, not exceeding Fourteen additional Days, as the Court shall think fit, from the Service of such Duplicate, to show Cause to the Court against the Validity of such Adjudication; and if such Person shall within such Time show to the Satisfaction of the Court that the Petitioning Creditor's Debt, or the Trading when necessary to be proved, or the Act of Bankruptcy upon which such Adjudication has been grounded, is insufficient to support such Adjudication, and upon such showing no other Creditor's Debt, or Act of Bankruptcy, or Trading, as the Case may be, sufficient to support such Adjudication, shall be proved to the Satisfaction of the Court, or shall show any other Ground of Invalidity of the Adjudication, the Court shall thereupon order such Adjudication to be annulled; but if at the Expiration of the said Time no Cause shall have been shown to the Satisfaction of the Court for the annulling of such Adjudication, Notice of such Adjudication shall be forthwith given in the Gazette, and in Two Newspapers circulating in the Neighbourhood of the Bankrupt's usual or last known Place of Abode or Business, by the Petitioning Creditor, in the Form provided in Schedule (S.), and the other Proceedings directed in the Order of Adjudication, or in any subsequent Order of the Court, shall take place.

When Notice of Adjudication need not be served on Bankrupt.

133. If the Petition for Adjudication is founded on a Declaration of Insolvency by the Debtor, or if a written Consent to Adjudication by the Debtor shall be filed, or if the Debtor shall appear on a Judgment Debtor Summons on which Adjudication takes place, it shall not be necessary to serve Notice of Adjudication on the Bankrupt, and in all such Cases Notice of the Adjudication shall

shall forthwith after it is made be given in the Gazette and in the Newspapers, as directed in the last Section.

If Bankruptcy not disputed within certain Time Gazette to be conclusive Evidence.

134. Unless the Bankrupt shall, if he was within the United Kingdom at the Date of the Adjudication, within Two Months after the Advertisement of the Bankruptcy in the Gazette, or if he was in any other Part of Europe at the said Date of Adjudication, within Three Months after such Advertisement, or if he was elsewhere at such Date, within Twelve Months after such Advertisement, have commenced an Action, Suit, or other Proceeding to annul the Adjudication, and shall have prosecuted the same with due Diligence and Effect, the Gazette containing such Advertisement shall be conclusive Evidence in all Cases of such Bankruptcy as against the Bankrupt and all Persons against whom he might have sustained Action or Suit.

Interim Preservation of Estate.

In case Debtor against whom a Petition has been filed be about to quit England, or to remove or conceal his Goods, with Intent to defraud Creditors, he may be arrested, and his Goods seized.

135. When a Petition for Adjudication of Bankruptcy is filed or a Judgment Debtor Summons issued against any Debtor, and it shall be proved to the Satisfaction of the Court by the Petitioning or Judgment Creditor, or by any Person who has filed an Affidavit of Debt in the Form contained in Schedule (N.), that there is probable Cause for believing that such Debtor is about to quit England, or to remove or conceal any of his Goods or Chattels, with Intent to defraud his Creditors, unless he be forthwith apprehended, it shall be lawful for the Court to issue a Warrant, directed to such Person or Persons as the Court shall think fit, to arrest the Person against whom such Petition shall have been filed or such Judgment Debtor Summons issued, and also to seize his Books, Papers, Monies, Securities for Monies, Goods and Chattels, wheresoever he or they may be found, and him and them safely keep until the Expiration of the Time allowed for Adjudication on such Petition or Summons, or until such Person, if he shall be adjudged bankrupt thereon, shall have been examined and dealt with according to this Act: But any Person arrested upon any such Warrant, or any Person whose Books, Papers, Monies, Securities for Monies, Goods or Chattels, have been seized under any such Warrant, may apply, at any Time after such Arrest or Seizure, to the Court, for an Order or Rule on the Creditor at whose Instance such Warrant has issued to show Cause why the Person arrested should not be discharged out of Custody, or why his Books, Papers, Monies, Securities for Monies, Goods and Chattels, should not be delivered up to him; and it shall be lawful for such Court to make absolute or discharge such Order or Rule, with or without Costs.

 136. It

Court may take Measures to preserve Estate.

136. It shall be lawful for the Court in which a Petition for Adjudication is filed, whether Adjudication can forthwith be made or not, or for the Court after Adjudication, but before Confirmation of a Trustee, on special Application by a Creditor who has filed an Affidavit of Debt in the Form contained in Schedule (N.), either in the Petition for Adjudication or by a separate Petition, with or without Service on other Parties interested, as the said Court may deem necessary, or without such special Application, if the Court think proper, to take immediate Measures for the Preservation of the Estate until the Election and Confirmation of a Trustee, either by the Appointment of a Receiver, who shall find such Security as may be deemed necessary, and who shall have all the Powers herein-after given to the Trustee which are necessary for such Preservation, including Power to take possession of the Bankrupt's Property and to recover Debts, or by such other Proceedings as may be requisite; and such interim Appointments or Proceedings shall be carried into immediate Effect; but any such Order shall be subject to Appeal, and may be discharged or varied by the Court of Appeal.

After Adjudication the Bankrupt's Papers may be sealed up.

137. The Court, on making Adjudication or at any Time thereafter, before the Confirmation of a Trustee, shall have Power, upon Cause shown by any Creditor who has filed an Affidavit of Debt in the Form contained in Schedule (N.), or without any Application, if it shall think fit, to cause to be sealed up and put under safe Custody the Books and Papers of the Bankrupt, and to lock up his Warehouse, Shop, or other Repositories, and to provide for the Custody of the same or of the Keys thereof, and to keep the Keys thereof till a Trustee is confirmed.

Transfer of Proceedings.

Petition not to be dismissed for Error in Selection of Court.

138. No Petition shall be dismissed by reason only that the Petitioning Creditor's Debt may appear to be such that the Petition ought to have been filed in a different Court, but on such Fact appearing it shall be lawful for the Petition to be transferred by the Court in which it was filed to the Court in which it ought to have been filed.

Petition filed in County Court may be transferred to Court of Bankruptcy.

139. When the Petitioning Creditor's Debt is under Fifty Pounds, and the Petition has been filed in a County Court, the Court may, on the Application of Creditors who have filed Affidavits of Debt in the Form contained in Schedule (N.) to the Amount of Three hundred Pounds, transfer the Petition to the Court of Bankruptcy within the District of which the Petition, if on a Debt exceeding

exceeding Fifty Pounds, should have been filed, or if it shall be thought expedient to the Court in London.

Petition may be transferred to more convenient District.

140. Any Court in which a Petition is filed may, on Application of any Creditor who has filed an Affidavit of Debt in the Form contained in Schedule (N.), and on being satisfied that either from the Nature of the Debtor's Transactions, or the Situation of his Property, or the Residence of his principal Creditors, or for any other sufficient Cause, the Proceedings could be more beneficially and conveniently prosecuted in another District, transfer the Petition to the Court of such District, either before Adjudication or on making Adjudication, or at any Time prior to the Publication of Notice of Adjudication in the Gazette. The Proceedings under a Judgment Debtor Summons may in like Manner at or after Adjudication be transferred to the Court of another District. The Creditors may by a Majority in Number and Value at any Meeting resolve that the Proceedings shall be transferred to and prosecuted in any other District or in any County Court, whether the Petition could have been filed in a County Court or not, and the Court in which Adjudication was made shall thereupon transfer the Proceedings to the District or the County Court so selected by the Creditors.

Procedure on Transfer.

141. When a Petition or Proceedings is or are transferred to another Court, the Registrar of the Court in which the Petition was filed, or out of which the Summons issued, shall forthwith transmit the Petition or Summons and all Affidavits and other Proceedings to the Registrar of the Court to which the Transfer is made, and they shall thenceforth be deemed to be Proceedings in such Court to the same Effect as if they had been originally taken therein, and all subsequent Proceedings shall take place in such Court, and it shall have the same Powers as if the original Proceeding had been taken therein; provided that all Orders already made by the Court in which the original Proceeding was actually taken shall remain effectual, and be deemed Orders of the Court to which the Proceedings are so transferred.

Appeal against Transfer.

142. On a Petition being transferred to any Court, such Court shall not have Power to transfer it to any other Court, but Appeal shall lie against any Order of Transfer, or any Refusal to make such Order, and on such Appeal the Court of Appeal shall have Power to order the Petition, or the Proceedings under the Adjudication, to be transferred to and prosecuted in any Court it shall think fit, and such Petition or Proceedings shall thereupon be transferred to such Court, in the same Manner and to the same Effect as is directed in the foregoing Section.

Election of Trustee and Inspectors.

Order to appoint the First Meeting of Creditors.

143. The Court, or the Registrar by whom any Adjudication shall be made, shall, in the Order of Adjudication, appoint a Meeting of the Creditors to be held at a specified Hour on a specified Day, not less than Six nor more than Twelve Days after the Expiration of the Time for showing Cause against the Adjudication, or after the Adjudication if it is absolute, at a convenient Place (not being any private Residence or private Chambers) within the District of the Court, unless by the same Order it shall transfer the Petition to another Court, in which Case such other Court shall, as soon as practicable, appoint a Day and Hour (not earlier or later than the Time herein-before mentioned) for such Meeting to be held at some Place within the District to which the Petition is transferred, and the Time and Place appointed for such Meeting of Creditors shall be stated in the Notice of the Adjudication in the Gazette and Newspapers herein-before directed.

Which shall be intimated in Gazette.

Notice of Adjudication.

If Time for disputing Adjudication enlarged, new Day to be fixed.

144. If on a Debtor appearing to show Cause for annulling the Adjudication the Court shall allow an extended Time for that Purpose, but shall not ultimately annul the Adjudication, it shall, if necessary, in the Order refusing such Application, appoint another Day for holding such Meeting of Creditors, and such substituted Day shall, with the Hour and Place fixed in such Order, be stated in the Notice of the Adjudication in the Gazette and Newspapers.

Procedure at Meeting.

145. Any Two Creditors who have filed Affidavits of Debt in the Court may, by Notice in Writing under their Hands, given Forty-eight Hours before such Meeting to the Registrar of the District within which such Meeting is to be held, request him to attend at the same, and on such Notice the Registrar, or some Person to be deputed by him in Writing for that Purpose, shall attend at such Meeting, and shall preside, and receive the Proof of Debts tendered by Creditors present, and shall mark the Declarations, Accounts, and other Documents produced with his Initials, and retain the same till the Trustee is appointed, when he shall deliver them to the Trustee; and the Registrar or his Deputy shall, in the Presence of the Meeting, write, or cause to be written, and sign the Minutes, and enter therein the Names and Descriptions of the Persons attending as Creditors, and the respective Amounts for which each Person tenders a Proof, and whether it is admitted or rejected, and, if admitted, the Amount so admitted, and any other Circumstances which the said Registrar or his Deputy shall think fit. When the Registrar

Registrar or a Deputy appointed by him is not present the Creditors shall, by a Majority in Number, elect a Chairman; and the Chairman shall perform the Duties by this Section imposed upon the Registrar, except that he shall not have Power to reject any Proof. The Meeting shall have Power to adjourn for any reasonable Time, provided such Adjournment do not postpone the Meeting for Election of a Trustee beyond the Limit of the Period within which such Meeting is by this Act appointed to be held. The Expenses of the Registrar or of his Deputy of and incidental to his Attendance at any such Meeting shall be provided for in the Manner directed by Section Forty-nine of this Act.

Election of Trustee.

146. The Creditors who have produced Proofs of Debt, and whose Names have been entered in the Minutes, shall then and there elect, by a Majority in Value, a fit Person to be Trustee, and if they think fit a Second Person as substituted Trustee, to act in succession, in case of Nonacceptance, Death, or Disqualification of the Person first nominated, and in the Case of an Adjudication of Bankruptcy against several Persons as Copartners, the Creditors may either elect One Trustee for all the Estates, or separate Trustees for the joint Estate and for the Estates of all or each of the individual Partners, or Trustees in succession, as aforesaid. If no Trustee be duly elected the Court may either appoint a Meeting for the Purpose to be held on a later Day, or may annul the Adjudication if it shall think fit, and in case of the Adjudication being annulled for Want of a due Election of a Trustee, no subsequent Adjudication shall be made upon any future Petition of the same Petitioning Creditor in respect of the same Debt.

Procedure in case of no Election.

Judgment of Registrar or Commissioner as to Trustee.

147. If the Registrar or a Deputy appointed by him be present at the Election of the Trustee, and there be no Competition for the Office, or Objection stated to the Candidate or Candidates, he shall, by an Order in the Minutes, declare the Person chosen by the Creditors to be Trustee, and if there be Competition, or Objection to the Candidate or Candidates, every such Objection to the Votes or Candidates shall be stated at the Meeting, and the Registrar, or Person deputed by him, may, by Consent, forthwith decide thereon, or, if required by any of the Creditors present, he shall reserve them for the Decision of the Commissioner, and in such Case he shall make a short Note of the Objection and of the Answers, on which the Commissioner shall, within Four Days after the Meeting, hear Parties vivâ voce, and the Commissioner shall then declare the Person Trustee, or the Persons Trustees in succession, whom he shall find to have been

duly elected by the Majority of Votes in Value tendered for qualified Candidates.

When Registrar not present.

148. When the Chairman has been elected by the Creditors he shall (whether there be any Competition or Objection or not) forthwith transmit the Minutes, Proofs, Affidavits, and other Documents to the Registrar, to be retained by him till the Trustee shall be confirmed, when he shall deliver the same to the Trustee; and if there be no Competition or Objection the said Registrar shall declare the Person or Persons elected Trustee or Trustees in succession; and if there be Competition or Objection the Parties shall, within Four Days from the Date of the said Meeting, file with the said Registrar Notes of Objections, and the Commissioner shall forthwith hear Parties thereon vivâ voce, and give his Decision thereon in manner directed in the last preceding Section.

Judgment of Registrar or Commissione as to Trustee to be final.

149. The Judgment of the Registrar or of the Commissioner in the several Cases above mentioned, declaring the Person or Persons elected to be Trustee or Trustees in succession, shall be given with the least possible Delay; and such Judgment shall not be subject to Review in any Court or in any Manner whatever; but such Judgment shall not affect the Right of any Creditor to tender the same Proof at any subsequent Stage of the Proceedings. The Commissioner shall have Power to order the Costs of either Party to be paid by the other Party, if he shall think fit, but no Costs of any such Proceedings shall in any Case whatever be allowed out of the Estate.

Security to be given by Trustee.

150. The Creditors shall, at the Meeting and previous to electing a Trustee, fix the Amount for which the Trustee to be elected shall give Security for his Management and generally for the Performance of his Duties under the Act, and shall also decide on the Sufficiency of the Sureties offered by the several Candidates proposed; and the Person declared to be Trustee shall forthwith file with the Registrar a Bond of Security executed by the Trustee and the Sureties, approved for him by the Meeting, in the Form of Schedule (T.): Provided that the Creditors may accept the Bond of a Guarantee Society in lieu of the Bond aforesaid.

Certificate of Appointment of Trustee.

151. On the Decision of the Registrar or Commissioner being given, declaring the Person elected Trustee, and on a Bond by the Trustee and his Sureties being duly filed as aforesaid, the Registrar shall confirm his Election as Trustee, which Confirmation shall not be subject to Review in any Court or in any Manner whatever, and the Title of the Trustee, when so confirmed, shall have Relation back

back to the Date of filing the Petition for Adjudication of Bankruptcy; or, in case of an Adjudication without Petition, to the Date of such Adjudication, or any earlier Period to which such Adjudication may have relation under the Provisions of this Act, as the Case may be; and the Registrar shall issue a Certificate under the Seal of the Court in the Form of Schedule (U.) to the Trustee, and the Trustee shall immediately transmit a Copy of such Certificate to the Comptroller, who shall make an Entry of the Name and Designation of the Trustee in the Register of Bankruptcies; and such Certificate shall be an effectual Title to the Trustee to perform the Duties hereby imposed on him, and shall be Evidence of his Right and Title to the Bankrupt's Property, for the Purposes of this Act.

To be a complete Title.

152. The Meeting shall also, after the Election of a Trustee, elect by a Majority in Value Two or more Creditors, or Persons holding Proxies from Creditors, to be Inspectors of the Bankruptcy, and the Election and Appointment of such Inspectors shall be according to the same Rules as the Election and Appointment of Trustees, except that the Inspectors shall not be required to give Security nor be confirmed, and their Election when decided shall be declared by an Entry in the Minute Book signed by the Registrar. If in any Case such Inspectors shall not be elected, or shall decline to act, the Duties by this Act imposed on the Inspectors shall be performed by the Court or by such Person, and in such Manner as the Court may direct, on Application to it by the Trustee, or by any Creditor, from Time to Time, as may be necessary, until Inspectors shall be elected by the Creditors, and shall be ready to perform their Duties.

Election of Inspectors.

153. The Trustee may or may not be a Creditor, provided he does not hold an Interest adverse to that of the general Body of Creditors; but it shall not be lawful to elect as Trustee the Bankrupt himself, his Father, Son, or Brother, by Blood or Marriage, nor any One who within the last Six Months has been in his Employment, nor any One who, in the Opinion of the Court, shall not be likely to fulfil the Duties with Fairness and Correctness, and the like Disqualifications shall apply to the Inspectors as to the Trustee.

Trustee may be a Creditor, but Bankrupt's Relation, &c. disqualified, and the like as to Inspectors.

154. A Majority in Number and Value of the Creditors present at any Meeting duly called for the Purpose may remove the Trustee, or accept his Resignation; and One Fourth of the Creditors in Value, or the Comptroller, may at any Time apply by Petition to the Court for Removal of the Trustee, and the Court shall order such Petition to be served on the Trustee, and Notice thereof given in the Gazette; and if the Court shall be satisfied that sufficient Reason has been shown, it shall remove the Trustee,

Removal or Resignation of Trustee.

and the Trustee next in succession shall thereupon execute a Bond of Security, with Sureties approved by the Creditors, and be confirmed, and the Estate shall vest in him, all as provided for in the Case of the Election of the First Trustee, or the Court may appoint a Meeting of the Creditors to be held for electing a new Trustee;

Election of a new Trustee.

and if the Trustee shall die, resign, or be removed, or remain at any One Time for Three Months out of England, or if any of the Sureties for him shall die or become bankrupt, or execute a Trust Deed or Deed of Composition or Arrangement for the Benefit of Creditors, and no other sufficient Surety shall be substituted to the Satisfaction of the Inspectors, any Inspector, or any Creditor who has proved, may apply to the Court for an Order substituting in his Place the Trustee next in succession as aforesaid, or to hold a Meeting for electing a new Trustee; and the Court, if making an Order to hold such Meeting, shall direct it to be at a certain Time and Place, which shall be advertised in the Gazette by the Inspector or Creditor so applying, and at the Time and Place so appointed the Creditors at such Meeting shall elect a new Trustee; and in all Cases of the Substitution or new Election of a Trustee the Procedure and vesting of the Estate shall take place in the like Manner as is herein provided in the Case of the First Trustee's Election; and the succeeding or new Trustee shall be vested with the Powers and perform the Duties and be subject to the same Rules as are herein-before provided, and shall be authorized to call to account the former Trustee or his Representatives, and to sue upon the Bond of Security executed by the former Trustee and his Sureties as if such succeeding or new Trustee were the Party with whom it was entered into.

Removal or Resignation of Inspector.

155. Any Person holding a Proxy for a Creditor, and who has been elected an Inspector, shall lose that Office, upon Notice in Writing being sent by his Constituent to the Trustee that he has recalled the Proxy, and the Trustee shall immediately record such Notice in the Minute Book; and the Trustee shall, in all Cases where an Inspector has declined to act, or resigned, or become incapacitated, call a Meeting of Creditors for the Purpose of electing a new Inspector, and such Inspector shall be elected in manner herein-before provided; and a Majority of the Creditors assembled at any Meeting duly called for that Purpose may remove an Inspector, and may elect another in his Place, in manner before directed.

Proof of Debts.

1. General Rules.

Bonâ fide Creditors, in respect of Debts contracted after an

156. Any Debt or Demand or Liability really and bonâ fide contracted by the Bankrupt, or any Credit which was given him for valuable Consideration before the filing of the Petition for Adjudication

cation or Bankruptcy, shall, notwithstanding any Act of Bankruptcy committed by such Bankrupt prior to such Contract or such Credit, be admitted to be proved or set off as a Debt in manner herein-after directed, as if no such Act of Bankruptcy had been committed, provided the Creditor had not, at the Time of such Contract or Credit given, Notice of any Act of Bankruptcy by such Bankrupt committed upon which Adjudication was made, or in respect of which Adjudication might have been made at the Date at which such Debt or Liability was contracted or such Credit was given.

Act of Bankruptcy, may prove.

157. If any accredited Agent of any Body Corporate or public Company has had in the Course of such Agency Notice of any Act of Bankruptcy, such Body Corporate or Company shall be deemed to have had such Notice.

Notice of Acts of Bankruptcy to Agents of Corporate Bodies, &c.

158. No Creditor who has brought any Action or instituted any Suit against any Bankrupt in respect of a Demand prior to the Bankruptcy, or which might have been proved as a Debt under the Bankruptcy, shall prove a Debt under such Bankruptcy, or have any Claim entered upon the Proceedings, without relinquishing such Action or Suit; and the proving or claiming a Debt under an Adjudication of Bankruptcy by any Creditor shall be deemed an Election by such Creditor to take the Benefit of such Adjudication with respect to the Debt so proved or claimed; provided that such Creditor shall not be liable to the Payment to such Bankrupt or his Trustee of the Costs of such Action or Suit so relinquished by him, and that when any such Creditor shall have brought any Action or Suit against such Bankrupt jointly with any other Person or Persons, his relinquishing such Action or Suit against the Bankrupt shall not affect such Action or Suit against such other Person or Persons; provided also, that any Creditor who shall have so proved or claimed, if the Adjudication be afterwards annulled, may proceed in the Action or Suit as if he had not so proved or claimed.

Proving Debt to be an Election not to proceed against Bankrupt by Action.

2. Debts liquidated or certain.

159. When there has been mutual Credit given by the Bankrupt and any other Person, or when there are mutual Debts between the Bankrupt and any other Person, the one Debt or Demand may be set against the other, and what shall appear due on either Side on the Balance of such Account, and no more, shall be claimed or paid on either Side respectively; and every Debt or Demand hereby made proveable against the Estate of the Bankrupt may also be set off in manner aforesaid against any Debt or Demand due to such Estate.

Set-off.

 160. Upon

Interest.

160. Upon all Debts or Sums certain, payable at a certain Time or otherwise, whereupon Interest is not reserved or agreed for, and which shall be overdue at the Adjudication of Bankruptcy, the Creditor shall be entitled to prove for Interest, to be calculated, at the Rate of Four Pounds per Centum per Annum, up to the Date of Adjudication, from the Time when such Debts or Sums certain were payable, if such Debts or Sums be payable by virtue of some written Instrument at a certain Time, or if payable otherwise, then from the Time when Demand of Payment shall have been made in Writing, so as such Demand shall give Notice to the Debtor that Interest will be claimed from the Date of such Demand until the Time of Payment.

Discount.

161. Any Credit given to the Bankrupt upon valuable Consideration not become payable at the Date of Adjudication shall be entitled to be proved as a Debt as if the same was payable presently, deducting Discount at the Rate of Five Pounds per Centum per Annum, computed from the Adjudication to the Time when such Debt would have become payable according to the Terms upon which it was contracted.

Costs, &c.

162. Costs due under or in respect of any Judgment, Decree, Order, or Rule of any Court of Law or Equity, obtained before the Adjudication against the Bankrupt, whether as Plaintiff or Defendant, or otherwise, may be proved as a Debt, upon being duly taxed, although such Costs shall not have been taxed at the Time of the Bankruptcy.

Debt payable by Instalments.

163. When any Debt is payable by way of Instalments, the Creditor may prove for the Amount of such Instalments remaining unpaid at the Time of the Adjudication.

Rent and other Payments falling due at fixed Periods.

164. When the Bankrupt is liable to pay any Rent or other Payment falling due at fixed or stated Periods, and the Adjudication of Bankruptcy happens at any Time other than the Day on which Rent or other Payment falls due, it shall be lawful for the Person entitled to such Rent or other Payment to prove for a proportionate Part thereof up to the Day of the Adjudication of Bankruptcy, in such Manner as if the said Rent or Payment grew due from Day to Day, and not at such fixed or stated Periods as aforesaid.

Goods pledged by Agent.

165. On the Bankruptcy of any Agent intrusted with the Possession of Goods within the Meaning of an Act passed in the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter Thirty-nine, and who shall have pledged such Goods, the Owner of

of such Goods, if he have redeemed the same, in manner provided by the said Act, shall be deemed a Creditor of such Agent for the Sum paid for such Redemption, as a Debt due by such Agent, as if it had been paid to such Agent before his Bankruptcy, or in case such Goods shall not be so redeemed the Owner shall be deemed a Creditor of such Agent for the Value of the Goods so pledged at the Time of the Pledge.

Partner of Two Firms.

166. If any Debtor shall, at the Time of Adjudication, be liable upon any Bill of Exchange or Promissory Note in respect of distinct Contracts as Member of Two or more Firms carrying on separate and distinct Trades, and having distinct Estates to be wound-up in Bankruptcy, or as a sole Trader and also as the Member of a Firm, the Circumstance that such Firms are in whole or in part composed of the same Individuals, or that the sole Contractor is also One of the joint Contractors, shall not prevent Proof and Receipt of Dividend in respect of such distinct Contracts against the Estates respectively liable upon such Contracts.

Bottomry or Respondentia Bonds and Policies of Assurance.

167. The Obligee in any Bottomry or Respondentia Bond, and the Assured in any Policy of Insurance, made upon good or valuable Consideration, shall be admitted to claim, and, after the Loss or Contingency shall have happened, to prove his Debt or Demand in respect thereof, as if the Loss or Contingency had happened before the filing of the Petition for Adjudication of Bankruptcy against such Obligor or Insurer; and the Person effecting any Policy of Insurance upon Ships or Goods with any Person (as a Subscriber or Underwriter) having become or becoming bankrupt, shall be entitled to prove any Loss to which such Bankrupt shall be liable in respect of such Subscription, although the Person so effecting such Policy was not beneficially interested in such Ships or Goods, in case the Person so interested is not within the United Kingdom.

3. Debts contingent or unliquidated.

Premiums upon Policies of Insurance.

168. If any Bankrupt shall at the Time of Adjudication be liable by reason of any Contract or Promise to pay Premiums upon any Policy of Insurance, or any other Sums of Money, whether yearly or otherwise, or to repay to or indemnify any Person against any such Payments, the Person entitled to the Benefit of such Contract or Promise may, if he think fit, apply to the Trustee to set a Value upon his Interest under such Contract or Promise, and the Trustee is hereby required to ascertain the Value thereof, and to admit such Person to prove the Amount so ascertained, and to receive Dividends thereon.

Contingent Debt or Liability to be valued.

169. If any Bankrupt shall, before the filing of a Petition for Adjudication of Bankruptcy, have contracted any Debt payable or Liability to pay Money upon a Contingency which shall not have happened before the filing of such Petition, the Creditor may apply to the Trustee to set a Value upon such Debt, and the Trustee is hereby required to ascertain the Value thereof, and to admit such Person to prove the Amount so ascertained, and to receive Dividends thereon; or if such Value shall not be so ascertained before the Contingency shall have happened, then such Person may, after such Contingency shall have happened, prove in respect of such Debt, and receive Dividends with the other Creditors, not disturbing any former Dividends.

Unliquidated Damages.

170. If any Bankrupt shall at the Time of Adjudication be liable, by reason of any Contract or Promise, to a Demand in the Nature of Damages which have not been and cannot be otherwise liquidated or ascertained, it shall be lawful for the Court, on Application of the Trustee or of the Party making such Demand, to direct such Damages to be assessed by a Jury, either before itself or in a Court of Law, and to give all necessary Directions for such Purpose; and the Amount of Damage, when assessed, shall be proveable as if a Debt due at the Time of the Bankruptcy: Provided that in case all necessary Parties agree, the Trustee or the Court shall have Power to assess such Damages without the Intervention of a Jury or a Reference to a Court of Law.

Annuity Creditors.

171. Any Annuity Creditor of any Bankrupt, by whatever Assurance the Annuity may be secured, and whether there were or not any Arrears of such Annuity due at the Bankruptcy, may apply to the Trustee to set a Value on such Annuity, which Value the Trustee shall ascertain, regard being had to the original Price given for such Annuity, deducting therefrom such Diminution in the Value thereof as shall have been caused by the Lapse of Time since the Grant thereof to the Date of the filing of the Petition for Adjudication of Bankruptcy, and the Value so ascertained may be proved as a Debt.

4. When arising from Guarantee by Sureties.

Sureties for Payment of Annuities.

172. It shall not be lawful for any Person entitled to any Annuity granted by any Bankrupt to sue any Person who may be collateral Surety for the Payment of such Annuity until such Annuitant shall have proved against such Bankrupt's Estate for the Value of such Annuity and for the Arrears thereof; and if such Surety, after such Proof, pay the Amount proved, he shall be thereby discharged from all Claims in respect of such Annuity; and if such Surety

Surety shall not (before any Payment of the Annuity subsequent to the Bankruptcy shall have become due) pay the Sum so proved, he may be sued for the accruing Payments of such Annuity, until such Annuitant shall have been paid or satisfied the Amount so proved, with Interest thereon at the Rate of Four Pounds per Centum per Annum, from the Time of Notice of such Proof and of the Amount thereof being given to such Surety; and after such Payment or Satisfaction such Surety shall stand in the Place of such Annuitant, in respect of such Proof, to the Amount so paid or satisfied by such Surety, and the Order of Discharge of the Bankrupt shall be a Discharge to him from all Claims of such Annuitant or of such Surety in respect of such Annuity; provided that such Surety shall be entitled to Credit, in account with such Annuitant, for any Dividends received by such Annuitant under the Bankruptcy before such Surety shall have fully paid or satisfied the Amount so proved.

Sureties for the Bankrupt.

173. Any Surety or Person liable for any Debt of the Bankrupt at the Time of filing a Petition for Adjudication of Bankruptcy who has paid the Debt, or any Part thereof in discharge of the whole Debt, (although he may have paid the same after the filing of the Petition for Adjudication of Bankruptcy) shall be held to be a Creditor for the Amount of such Debt, or for the Amount paid by him in discharge thereof, as the Case may be, and shall be entitled to stand in the Place of the true Creditor as to the Dividends and all other Rights under the Bankruptcy which such Creditor would be entitled to in respect of his Proof; or if the Creditor shall not have proved, such Surety or Person liable, or Bail, shall be entitled to prove his Demand in respect of such Payment as a Debt under the Bankruptcy, not disturbing former Dividends, and may receive Dividends with the other Creditors.

5. When secured on Bankrupt's Property.

Security not available unless by Mortgage, &c.

174. No Creditor having Security for his Debt upon any Part of the Bankrupt's Estate, or having levied Execution or made any Attachment of the Goods or Chattels of the Bankrupt or any Part thereof, shall receive by virtue thereof more than a rateable Part of such Debt, unless such Security was bonâ fide created and subsisting, or such Execution or Attachment was actually and bonâ fide levied by Seizure for the Purpose of Sale, before the Adjudication, and, in case of an Adjudication upon Petition, before the filing of the Petition for Adjudication in Bankruptcy.

Securities over Estate to be valued.

175. If a Creditor hold a Security for his Debt over any Part of the Estate of the Bankrupt, he shall, in the Declaration tendered for his Proof, whether for the Purpose of voting for a Trustee or Inspectors, or for the Purpose of receiving a Dividend, put a specified Value

on such Security, and deduct such Value from his Debt, and specify the Balance, and if the Estate over which the Security extends has been sold, he shall specify in his Declaration the net Proceeds which he has received or is or will be entitled to receive therefrom, and specify the Balance due after Deduction thereof, and he shall be entitled in either Case to prove for and to vote in respect of such Balance, but for no more, without Prejudice to the Amount of his Debt in other respects.

Valuation of Securities with a view to a Dividend.

176. When a Creditor who holds a Security over any Part of the Estate of the Bankrupt has made the Declaration of Value directed in the preceding Section, for the Purpose of receiving a Dividend on the Balance, the Trustee, with Consent of the Inspectors, shall be entitled, at his Option, either to require the Delivery up or a Conveyance or Assignment of such Security, at the Expense of the Estate, on Payment of the Value so specified out of the Common Fund, or to reserve to such Creditor the full Benefit of such Security; and in either Case the Creditor shall receive a Dividend on the said Balance, and no more, without Prejudice to the Amount of his Debt in other respects.

6. Further Deductions from Proof for voting.

Valuation of collateral Securities.

177. When a Creditor holds another Party besides the Bankrupt liable for the Debt, but from whom the Bankrupt would have a Right of Indemnity or Contribution, or holds any Security from which the Bankrupt has a Right of Indemnity or Contribution, such Creditor shall, before voting, make a Declaration, in which he shall put a specified Value on such Right of Indemnity or Contribution, to the Extent to which the Bankrupt is entitled thereto, and he shall deduct such Value from his Debt, and specify the Balance, and he shall be entitled to vote in respect of such Balance, and no more, without Prejudice to his Right to prove the full Amount of his Debt for the Purpose of drawing Dividends.

Trustee may require a Conveyance of Security by Creditor on 20 per Cent. Addition to his own Valuation.

178. It shall be lawful for the Trustee, with Consent of the Inspectors, within Two Months after a Declaration, specifying the Value of a Security or collateral Obligation in the several Cases before mentioned has been made use of in voting at any Meeting, and it shall also be lawful for the Majority of the Creditors (excluding the Creditor making such Declaration) assembled at any Meeting, and during such Meeting, to require from the Creditor making such Declaration a Conveyance or Assignment in favour of the Trustee of all the Estate and Interest of such Creditor, or which he is able to convey or assign in such Security or Obligation, on Payment of the specified Value, with Twenty per Centum

Centum in addition to such Value; and the Creditor shall be bound to execute such Conveyance or Assignment, at the Expense of the Estate: Provided that where a Creditor has put a Value on such Security or Obligation, he may, at any Time before he has been required to convey and assign as aforesaid, correct such Valuation by a new Proof, and deduct such new Value from his Debt.

Creditor may correct Valuation by new Proof.

179. On the Bankruptcy of a Partner of a Firm, any Creditor to whom the Bankrupt is indebted jointly with the other Partners of the Firm, or any of them, shall be entitled to prove his Debt, for the Purpose only of voting in the Election of Trustee and Inspectors, and of being heard against the Allowance of the Bankrupt's Discharge, or for either of such Purposes; but such Creditor shall not receive any Dividend out of the separate Estate of the Bankrupt until all the separate Creditors shall have received the full Amount of their respective Debts.

Joint Creditor entitled to prove under separate Estate, for the Purpose of voting in the Election of Trustee.

180. A Person who acquires after the Date of filing the Petition for Adjudication, otherwise than by Representation, on Death or Bankruptcy of the Creditor, or Marriage, a Debt due by the Bankrupt, and the Wife of the Bankrupt and any Trustee for her, shall not be entitled to vote in the Election of Trustee or Inspectors, but in all other respects such Person, or such Wife in respect of her separate Estate, or any Trustee for her, may prove as a Creditor.

Persons acquiring Debts after Adjudication not to vote for Trustee.

7. Manner of Proof of Debts.

181. Every Creditor of the Bankrupt may, after Adjudication, prove his Debt, by delivering or sending through the General Post, before Confirmation of a Trustee, to the Registrar of the Court, or at the Meeting for Election of Trustee, to the Chairman or Registrar presiding, or after the Confirmation of the Trustee to the Trustee, a Statement of such Debt, and of the Account, if any, between the Creditor and the Bankrupt, and any Deed or other Document establishing the same, which may be in his Possession or Control, together with a Declaration, signed by the Creditor, appended to such Statement, that it is a full, true, and complete Statement of Account between the Creditor and the Bankrupt, and that the Debt thereby appearing to be due from the Estate of the Bankrupt to the Creditor is justly due; and every Body Politic or public Company incorporated, or authorized to sue or bring Actions in the Name of a public Officer, may prove by an Agent, provided such Agent shall in his Declaration declare that he is such Agent, and that he is authorized to make such Proof;

When and how Debts may be proved.

Declaration for Proof of Debt.

and such Declaration by such Creditor or Agent respectively as aforesaid shall be in Form of Schedule (W.)

Admission of Proofs for voting.

182. The Proofs so tendered shall be admitted as sufficient for the Purpose of voting at any Meeting, subject in the Case of the Meeting for Election of Trustee to the Decision of the Registrar or Commissioner, as herein-before provided, and in the Case of any other Meeting to the Decision of the Court on Appeal by the Bankrupt, the Trustee, or any Creditor; provided that such Appeal, except where otherwise expressly provided, shall be brought within Ten Days after the Meeting at which the Proof was tendered or used; and on such Appeal the Court may, if it think fit, at the Hearing, admit further Evidence in support of or against any Proof tendered, and on Computation of the Amount of Proofs which it shall find ought to be admitted for the Purpose of such voting it shall declare the Result of the Vote, and give such Orders as may then be proper for carrying it into effect.

When Valuation requisite.

183. No Creditor shall vote or receive Dividends in respect of any Debt which is herein-before directed to be valued by the Trustee until such Valuation is made, and before the Confirmation of Trustee the Application for Valuation may be made to the Court, and the Trustee's Valuation shall be subject to Appeal.

Admission of Proofs for Dividends.

184. The Trustee shall, for the Purpose of ranking the Debts for Dividends, examine the whole of the Proofs so tendered, whether before or subsequent to his Appointment and Confirmation, and shall compare them with the Bankrupt's Books and List of Debts, and may admit or reject any of them, in whole or in part, or if he thinks fit may require further Evidence in regard to any, and he shall, by Letter through the Post, intimate to each Creditor who has tendered a Proof, whether his Proof is admitted or rejected, or if in part admitted, to what Extent, and if rejected, in whole or in part, in what respect the Proof is defective or insufficient, and he shall have Power to examine the Bankrupt, Creditor, or any other Party on Oath relative thereto, in which Case the Examination shall be taken down in Writing, and filed with the Proceedings in the Custody of the Trustee, or to receive Affidavits, and his Decision shall be subject to Appeal as hereinafter mentioned. The Court may at any Time expunge or reduce a Proof of Debt, on such Application and such Evidence as it shall think sufficient, and may make such Order as to the Costs of any Application as shall seem just.

Proof may be expunged or reduced.

185. When

185. When it shall appear to the Court, Registrar, or Trustee that the Declaration for Proof of any Person, whether made for the Purpose of voting or of drawing a Dividend, is in any material Point defective, or not framed in the Manner required by this Act, the Court, Registrar, or Trustee, as the Case may be, shall call upon such Person to rectify his Declaration, pointing out to him wherein it is defective; and unless such Rectification be made the Court, Registrar, or Trustee, as the Case may be, shall disallow or reject such Proof, in whole or in part: Provided that when the Failure to comply with the Provisions of this Act shall appear to have been made for any improper or fraudulent Purpose, or where Injury can be shown to have been done to the other Creditors or any of them in respect thereof, it shall not be incumbent upon the Court, Registrar, or Trustee to give such Person an Opportunity to rectify his Declaration as aforesaid. Provision for Correction of Proof.

Examination of Bankrupt.

186. Immediately on his being confirmed, the Trustee shall apply to the Court to appoint a Day for the first Examination of the Bankrupt, and the Court shall appoint a Day for such Examination, which, unless the Court for any special Reason shall think fit otherwise to direct, shall be not more than Fourteen nor less than Seven Days after the Order for such Purpose, and such Order shall be forthwith served on the Bankrupt by the Trustee, and Notice thereof published in the Gazette in the Form contained in Schedule (X.) Examination of Bankrupt.

187. In case the Bankrupt shall not appear at the Time appointed by the Court (having no lawful Impediment made known to and allowed by the Court at such Time), or if in any Case it shall be proved to the Satisfaction of the Court that any Bankrupt is keeping out of the way, and cannot be personally served with a Summons, or that there is probable Cause for believing that he is about to quit England, or to remove or conceal any of his Goods or Chattels, unless he be forthwith apprehended, it shall be lawful for the Court, by Warrant, to authorize and direct any Person the Court shall think fit to apprehend and arrest such Bankrupt, and bring him before the Court on the Day appointed for the Examination, or on a subsequent Day to be fixed by the Court, or if he is in Custody to direct the Person in whose Custody he is to bring him before the Court, the Cost thereof being defrayed out of the Estate. Court may issue Warrant to arrest Bankrupt.

188. Upon the Appearance of the Bankrupt, or if such Bankrupt be present at any Sitting of the Court or at any adjourned Examination, it shall be lawful for the Trustee, or any Creditor, or for the Court, to examine such Bankrupt upon Oath, either by Word of Mouth or Examination.

on Interrogatories in Writing, touching all Matters relating to his Trade, Dealings, or Estate, or which may tend to disclose any secret Grant, Conveyance, or Concealment of his Lands, Tenements, Goods, Money, or Debts, and his Answers shall be reduced into Writing by or under the Direction of the Court, and the Examination, so reduced into Writing, shall be signed by the said Bankrupt.

The Bankrupt to prepare a Statement of Accounts.

189. The Bankrupt shall, prior to the First Meeting of Creditors, prepare a Statement of his Affairs, consisting of a Statement of his Assets, with the Value at which he estimates each, and a List of his Creditors, secured and unsecured, with their respective Residences or Places of Business, so far as known to him, and the Amount of the respective Debts and Security, if any, of each, and shall subscribe such Statement and List, and place the same in the Hands of the Registrar or other Chairman of such Meeting; and such Statement may at his Examination be amended as Occasion shall require and the Court shall direct; and the Bankrupt shall make, at his First Examination, Oath of the Truth of such Statement to the best of his Knowledge and Belief, and it shall then be copied by the Trustee into the Minute Book, and the Bankrupt shall in no Case be entitled to the Benefit of this Act until such Statement shall have been furnished.

Statement of Accounts to be open to Creditors.

190. The Statement of Affairs, when filed or deposited with the Registrar, Chairman, or Trustee, shall be open to the Inspection of all Creditors, who may take Copies of and Extracts from the same, subject to such Regulations as General Orders shall direct; and if the Creditors at any Meeting so direct, a Copy or Abstract thereof shall be printed, and a printed Copy sent by Post by the Trustee to each Creditor who has proved.

Bankrupt to make out Statement, without Assistance, except under special Circumstances.

191. No Allowance shall be made to the Bankrupt for any Assistance in the Preparation of such Statement: Provided that if it shall in any Case appear to the Inspectors that there are special Circumstances rendering it proper that the Bankrupt should be assisted in the Preparation of such Statement by some other Person, they may appoint some proper Person to assist the Bankrupt in that Behalf, and may allow to such Person, out of the Bankrupt's Estate, such Remuneration as they may think fit, subject nevertheless to the Disallowance by the Court, upon Taxation or otherwise, of any Part of the Charges made, or of the Remuneration claimed, by such Person, if the Court shall think fit so to direct; and in such Case the Statement so prepared shall have appended thereto a Certificate signed by the Person appointed to assist the Bankrupt in the Preparation thereof, expressing his Approval or Disapproval thereof, and if he disapproves the Particulars and Reasons of such Disapproval.

Examination

Examination of other Parties.

192. It shall be lawful for the Court, on the Application of the Trustee, at any Time, to summon before it the Wife of the Bankrupt, or any Person known or suspected to have any of the Estate of the Bankrupt in his Possession, or who is supposed to be indebted to the Bankrupt, or any Person whom the Court may believe capable of giving Information concerning the Person, Trade, Dealings, or Estate of the Bankrupt, or concerning any Act of Bankruptcy committed by him, or any Information material to the full Disclosure of his Dealings; and the Trustee, or any Creditor by Leave of the Court, or the Court, may examine such Person on Oath concerning the same, and the Evidence shall be reduced into Writing, by or under Direction of the Court, and signed by the Witness; and the Court may require such Person to produce any Books, Papers, Deeds, Writings, or other Documents in his Custody or Power which may appear to the Court necessary to the Verification of the Deposition of such Person, or to the full Disclosure of any of the Matters which the Court is authorized to inquire into; and if such Person so summoned shall not come before the Court at the Time appointed, having no lawful Impediment (made known to the Court at the Time of its sitting, and allowed by it), it shall be lawful for the Court, by Warrant, to direct any Person therein named for that Purpose to apprehend and arrest such Person, and bring him before the Court for Examination.

Court may summon other Persons.

193. If it shall be shown by Affidavit to the Satisfaction of the Court that any Person to whom any such Summons is directed as aforesaid is keeping out of the way, and cannot be personally served therewith, and that due Pains have been taken to effect such personal Service, it shall be lawful for the Court to order, by Endorsement upon the Summons, that the Delivery of a Copy of such Summons to the Servant or Wife, or some adult Inmate of the House or Family of the Person, at his usual or last known Place of Abode or Business, and explaining the Purport thereof to such Servant, Wife, or Inmate, shall be equivalent to personal Service.

Service of Summons where Persons keep out of the way.

194. The Court may order that for a Period of Three Months from the Date of any such Order all Post Letters addressed to any Bankrupt shall be re-addressed, sent, or delivered by the Postmaster General, or the Officers acting under him, to the interim Receiver or Trustee named in such Order; and upon Notice by Transmission of a Duplicate of any such Order to the Postmaster General or the Officers acting under him, they shall act upon the same; and the Court may, upon any Application to be made for

Court may order Letters addressed to Bankrupt to be delivered to Trustee.

that Purpose, renew any such Order for a like or for any other less Period as often as may be necessary.

Witnesses and Persons known or suspected to have Bankrupt's Property, &c. entitled to Costs of Attendance, &c.

195. Every Person summoned to attend before the Court as a Person known or suspected to have any of the Estate of the Bankrupt in his Possession, or who is supposed to be indebted to the Bankrupt, may have such Costs and Charges allowed to him as the Court in its Discretion shall think fit; and every Witness summoned to attend before the Court shall have his necessary Expenses tendered to him in like Manner as is now by Law required upon Service of a Subpœna to a Witness in an Action at Law.

Commitment of Bankrupt or Witness.

Penalty on Refusal to answer.

196. If the Bankrupt shall refuse to answer to the Satisfaction of the Court any Question put or allowed by the Court, or to deliver any Books or Documents or Property as the Court shall require, or to sign his Examination and his Statement of Affairs, it shall be lawful for the Court to commit him to Prison for such Time as it shall think fit.

Examination of Persons summoned.

197. If any Person, other than the Bankrupt, being present at any Sitting of the Court, and being required to give Evidence before it, or being summoned or brought before the Court upon any Warrant as aforesaid, shall refuse to be sworn or to answer to the Satisfaction of the Court any Question put or allowed by the Court, or to produce and deliver up any Book or Document it may require, or to sign his Examination, the Court may commit him to Prison.

Form of Warrant for Commitment of Bankrupt or Witness.

198. In any Warrant of Commitment issued by any Court under this Act it shall not be necessary to set forth or specify any Question or any Part of the Examination of the Person so committed, but it shall be sufficient to refer in the Warrant to the Examination or Deposition of the Person as remaining on the File of Proceedings, and to specify in the said Warrant the precise Date of the Examination or Deposition so referred to; and such Warrant shall be in the Form contained in Schedule (Y.); provided, however, that in every Case in which any Person shall be so committed for refusing to answer or for not fully answering any Question put to him, every such Question shall be specified in the Examination or Deposition of the Person committed remaining on the File of Proceedings, and so referred to as aforesaid; and provided also, that a Copy of the said Examination or Deposition so referred to shall be delivered personally to the Person committed within Twenty-four Hours next after the Commencement of his Imprisonment by virtue of the said Warrant, which Imprisonment shall be deemed to commence from the Time

Copy of his Examination to be delivered to Person committed.

Time of his being arrested or taken into Custody under the same; and in default of the said Copy being delivered the Person committed shall be discharged from Custody, either by the Court or by the Judge before whom such Person may be brought by Habeas corpus, with such Costs, if any, as the said Court or Judge may deem just.

Discharge of Person committed.

199. If any Person so committed shall sue forth any Writ of Habeas corpus in order to be discharged from such Commitment, he shall not be discharged by reason of any mere Matter of Form, but if the Court or Judge before whom he shall be brought, upon Inspection and Consideration of the whole of the Examination or Deposition of such Person, shall be of opinion that the Answer or Answers of such Person is or are satisfactory, the Court or Judge may order the Person so committed to be discharged.

Second and subsequent Meeting of Creditors.

Calling of Second Meeting.

200. The Trustee shall, in the Gazette Notice of the Examination of the Bankrupt which he is directed in Section One hundred and eighty-six to make, also give Notice of his Election as Trustee, his Name and Address, and of a Day, Hour, and Place for holding a Second Meeting of Creditors, which Day shall be not less than Seven nor more than Fourteen Days after the Day fixed for Examination of the Bankrupt, and also Notice of the Period hereinafter limited for the Proof of Debts for Participation in the First Dividend, and shall also send Notice of all these Particulars, by Letter through the General Post, to every Creditor who has proved. Prior to the Meeting the Trustee shall prepare a Report setting forth the State of the Bankrupt's Affairs, and an Estimate of what the Estate is expected to produce, which Report he shall exhibit at the Meeting of Creditors, and give all necessary Explanations relative thereto.

Report by Trustee.

Powers of Creditors over Estate.

201. The Creditors assembled at such Meeting or at any other Meeting may give Directions for the Recovery, Management, and Disposal of the Estate; and when any Part of the Estate consists of Land or Leasehold Estate, it shall be optional to the Creditors to determine whether the Trustee is to dispose thereof by Public or Private Sale, and under what Conditions.

How Meetings to be called.

202. The Trustee, or any Inspector with Notice to the Trustee, may at any Time call a Meeting of the Creditors, and the Trustee shall call such Meeting, when required by One Fourth in Value of the Creditors whose Debts have been then proved or admitted against the Estate for the Purpose of voting, or by the Comptroller; and any Meeting may be adjourned to a subsequent Day.

 203. Meetings

Notice of Meetings.

203. Meetings of Creditors shall be called by Notice of the Day, Hour, Place, and Purpose thereof, advertised in the Gazette Seven Days at least before the Day of the Meeting, and Notice of the Day, Hour, Place, and Purpose of Meetings shall also be sent by Post to all Creditors whose Debts are above Five Pounds, except to any Creditor who shall have given Direction in Writing that no such Notice shall be sent him.

No Notice to be sent in certain Cases.

Rules as to computing Majorities.

Proxies for Creditors may vote.

204. All Questions at any Meeting of Creditors shall be determined by the Majority in Value of those present and entitled to vote, unless in the Cases herein otherwise provided for. A Person holding a Proxy for a Creditor entitled to vote may vote in the Absence of such Creditor, and such Proxies may be in the Form contained in Schedule (Z.)

General Duties of Trustee and Inspectors.

Trustee to take possession of Estate and Books, and make up Inventory.

205. The Trustee shall, as soon as may be after his Confirmation, take possession of the Bankrupt's Estate and Effects, and of his Title Deeds, Books, Bills, Vouchers, and other Papers and Documents, all of which the Bankrupt shall be bound to deliver to him, and the Trustee shall also make up an Inventory of such Estate and Effects, and a Valuation showing the estimated Value and the annual Revenue thereof, and shall forthwith transmit Copies of such Inventory and Valuation to the Comptroller. The Bankrupt shall be bound, whether before or after his Discharge, to give all the Assistance in his Power to the Trustee for the Purpose of enabling him to make up such Inventory and Valuation, and to attend him at all reasonable Times, on Requisition in Writing by the Trustee for that Purpose.

Trustee to recover Funds of Estate.

206. The Trustee shall manage, realize, and recover the Estate belonging to the Bankrupt, wherever situated, and convert the same into Money, according to the Directions given by the Creditors at any Meeting, and if no such Directions are given he shall do so with the Advice of the Inspectors; and he shall deposit all Money which he shall receive in such Bank as the Majority of the Creditors in Number and Value at any General Meeting shall appoint, (provided that no such Money shall be deposited in any Bank other than the Bank of England, in which the Trustee or any Inspector shall be an acting Partner, Manager, or Cashier,) and failing such Appointment in the Bank of England; and the Money shall be deposited in the Name of the Trustee, in his official Character under this Act, at such Notice of Withdrawal as the Inspectors shall direct, and, failing such Notice, at Call; and such Bank, if allowing Interest, shall, once yearly at least, balance such Account, and accumulate the Interest with the Principal Sum, so that both shall

shall thereafter bear Interest as Principal; and if such Bank fail to do so such Bank shall be liable to account as if such Interest had been so accumulated.

207. The Trustee shall be paid by Commission on the Assets recovered, to be fixed by the Inspectors in manner after mentioned, but he shall not be entitled to make any Charge against the Estate for Remuneration to any Clerks, Accountants, Managers, or other Assistants, unless such Charge shall be expressly directed by the Inspectors, or by the Creditors at a Meeting, and the Amount thereof allowed by the Inspectors by Writing under their Hand; and all Bills of Costs, Charges, Fees, and Disbursements of Solicitors or Attorneys employed by the Trustee shall be duly taxed by the proper Officer, but shall not be allowed as a Charge against the Estate unless or until they shall have been transmitted to the Comptroller, and returned by him with a Certificate that they have been properly incurred, either in pursuance of a Resolution of the Creditors at any Meeting, or in the proper Course of Management and Realization of the Estate. All Charges, Fees, and Disbursements of any Auctioneer, Appraiser, Broker, Valuer, Clerk, Accountant, Manager, or other Assistant which may be payable, under this Section or otherwise, out of the Estate, for any Services rendered in relation to the Bankruptcy or to the Estate, may be taxed and settled by the Taxing Master, or by any Registrar, in such Manner and subject to such Conditions as General Orders shall direct, and the Amount of the Bills or Charges so settled, and no more, shall be recoverable.

To be paid by Commission, but not to be entitled to charge for Assistance.

208. If the Trustee shall keep in his Hands any Sum exceeding Fifty Pounds belonging to the Estate for more than Ten Days, he shall pay Interest to the Creditors at the Rate of Twenty Pounds per Centum per Annum on the Excess of such Sum above Fifty Pounds for such Time as the same shall be in his Hands beyond Ten Days; and, unless the Court shall be of opinion that Money has been so kept from Inadvertence or Accident, and without any Purpose or Intention of using the same or obtaining Profit therefrom, the Trustee shall be dismissed from his Office, upon Petition to the Court by any Creditor, and shall have no Claim to Remuneration, and shall be liable in Costs.

Penalty on Trustee retaining Funds.

209. The Trustee shall keep a Minute Book, in which he shall record all Minutes of Meetings of Creditors and of Inspectors, Statements of Accounts, Reports, and all the Proceedings necessary to give a correct View of the Management of the Estate, and he shall also keep regular Accounts of the Affairs of the Estate, and transmit to the Comptroller, before each of the Periods herein-after fixed

Trustee to keep a Minute Book, and send Copy of Accounts to Comptroller.

for Payment of a Dividend, a Copy, certified by himself, of such Accounts, in so far as not previously transmitted, and such Copies shall be preserved in the Office of the Comptroller; and the Minute Book and Accounts shall be open to the Inspectors and to the Creditors or their authorized Agents, at all Times: Provided always, that when any Document is of a confidential Nature (such as the Opinion of Counsel on any Matter affecting the Interest of the Creditors on the Estate) the Trustee shall not be bound to insert it in the Minute Book, or to exhibit it to any other Person than the Inspectors, except under the Order of the Court.

Duties of Inspectors.

210. The Inspectors shall superintend the Proceedings of the Trustee, and their Concurrence with him in References to Arbitration shall be essential, and they shall also give their Advice and Assistance relative to the Management of the Estate, and shall decide as to paying or postponing Payment of a Dividend, and may meet at any Time to ascertain the Situation of the Bankrupt Estate, and any One of them may make such Report as he may think proper to a General Meeting of the Creditors.

Receiver, Trustee, and Inspector amenable to Court.

211. The Interim Receiver, the Trustee, and the Inspectors shall be amenable to the Court, although resident beyond the Jurisdiction of the Court, at the Instance of any Party interested, or of the Comptroller, to account for their Transactions and Management, by Petition served on them respectively; and in case it shall appear that such Application ought not to have been made, the Party complained of shall be entitled to his full Costs, to be either retained out of the Funds in the Bankruptcy, or recovered from the Party complaining, as the Court shall direct.

Appeals from Resolutions of Creditors or Decisions of Trustee or Inspector.

Creditor, Inspector, or Trustee may appeal to Court.

Power to rescind or vary.

212. It shall be lawful for the Trustee or an Inspector, or a Creditor who has proved or tendered Proof for any Debt not being less than Ten Pounds, to appeal against any Resolution of the Creditors made at any Meeting, or any Decision of the Inspectors; and it shall be lawful for any such Creditor to appeal against any Decision of the Trustee admitting or rejecting his own Proof or the Proof of any other Creditor in whole or in part, provided such Appeal be brought, in the Form to be directed by General Orders, within Ten Days after the Date of such Resolution of any Meeting being made, or of such Decision of the Inspectors being entered in the Minute Book and communicated to the Trustee, or of the Letter containing such Decision of the Trustee being posted to the Creditor whose Proof is admitted or rejected thereby. Such Appeal

Appeal shall in no Case operate as a Stay of the Proceedings, but on its being decided the Court shall have Power to give such Orders as may be proper for the due Prosecution of the Bankruptcy thereafter, although the Time for such Proceedings limited in this Act shall have elapsed. On an Appeal against any Resolution of Creditors the Court shall have Power to rescind the same, in whole or in part, or, by Consent of the Parties appearing on such Appeal, to vary the same, and such Resolution so varied shall thereupon be taken as the Resolution passed at such Meeting. On an Appeal against any Decision of the Inspector or Trustee the Court may rescind or vary the same as it shall think just. The Costs of every Appeal under this Section shall be in the Discretion of the Court, and may be ordered to be paid either out of the Estate or by any Party to or appearing upon such Appeal as to the Court may seem fit.

Vesting of Estate in Trustee.

Real Estate to vest in Trustee.

213. When any Person has been adjudged a Bankrupt, all Lands, except Copyhold or Customaryhold, in England, Scotland, Ireland, or in any of the Dominions, Plantations, or Colonies belonging to Her Majesty, to which the Bankrupt is entitled, and all Interest to which such Bankrupt is entitled in any of such Lands, and of which he might, according to the Laws of the several Countries, Dominions, Plantations, or Colonies have disposed, and all Agreements relating to such Lands under which he takes an Interest, and all such Lands as he shall purchase, or as shall descend, be devised, revert to, or come to such Bankrupt before he shall have obtained his Discharge, and all Deeds, Papers, and Writings respecting the same, shall become absolutely vested in the Trustee for the Time being, for the Benefit of the Creditors of the Bankrupt, by virtue of his Confirmation, without any Deed of Conveyance for that Purpose, but subject to all Covenants or Conditions made for valuable Consideration by which the Bankrupt was bound; and as often as any such Trustee shall die, or be lawfully removed or displaced, and a new Trustee shall be duly confirmed, such of the aforesaid Real Estate as shall remain unsold or unconveyed shall by virtue of such Confirmation vest in like Manner in the new Trustee, without any Conveyance for that Purpose.

When a Conveyance of the Property of a Bankrupt would require to be registered, the Certificate of Appointment of the Trustee shall be registered.

214. When according to Law any Conveyance or Assignment of any Real or Personal Property of a Bankrupt would require to be registered, enrolled, or recorded in any Registry Office in England, Wales, or Ireland, or in any Register in Scotland, or in any of the Dominions, Plantations, or Colonies belonging to Her Majesty, in every such Case the Certificate of the Confirmation of Trustee shall be registered in the Registry Office or Register wherein

wherein such Conveyance or Assignment would require to be registered, enrolled, or recorded, and such Registry shall have the like Effect to all Intents and Purposes as the Registry, Enrolment, or recording of such Conveyance or Assignment would have had; and the Title of any Purchaser of any such Property for valuable Consideration, without Notice of the Bankruptcy, or of any Act of Bankruptcy upon which Adjudication was or, at the Date of the Adjudication, might have been made, who shall have duly registered, enrolled, or recorded his Purchase Deed previous to the Registry hereby directed, shall not be invalidated by reason of such Bankruptcy, or of the vesting of such Property in the Trustee consequent thereupon.

Clauses in 3 & 4 W. 4. c. 74. extended to Proceedings under Petition for Adjudication.

215. The Clauses of the Act passed in the Fourth Year of the Reign of King William the Fourth, Chapter Seventy-four, numbered Fifty-six, Fifty-seven, Fifty-eight, Fifty-nine, Sixty, Sixty-one, Sixty-two, Sixty-three, Sixty-four, Sixty-five, Sixty-six, Sixty-seven, Sixty-eight, Sixty-nine, Seventy-one, Seventy-two, Seventy-three, shall extend and apply to Proceedings in Bankruptcy under Adjudication of Bankruptcy, as fully and effectually as if those Clauses were re-enacted in this Act, and expressly extended to such Proceedings.

Copyhold and Customary Lands of Bankrupt.

216. The Trustee shall have Power to dispose for the Benefit of the Creditors of any Estate or Interest at Law or in Equity which at the Time of Adjudication or afterwards, before Order of Discharge, a Bankrupt has in any Copyhold or Customary Land, and the Court shall make an Order vesting the Land or such Estate or Interest as the Bankrupt has therein, in such Person and in such Manner as the Court shall think fit. Every Person in whose Favour any such Vesting Order shall be made shall, before he enter into or take any Profit of the same, agree and compound with the Lord of any Manor of whom the same shall be holden for such Fines, Dues, and other Services as theretofore have been usually paid for the same, and thereupon the said Lord shall, at the next or any subsequent Court to be holden for the said Manor, grant unto such Vendee, upon Request, the said Copy or Customary Lands or Tenements, for such Estate or Interest as shall have been so conveyed to him as aforesaid, reserving the ancient Rents, Customs, and Services, and shall admit him Tenant of the same.

Vendees of Copyhold Lands shall compound with the Lord for their Fines.

Bankrupt not liable to Rents or Covenants in Conveyances, Leases, &c.; and if Trustee decline to determine whether he will

217. If any Bankrupt shall have entered into any Agreement for the Purchase of any Estate or Interest in Land, or have or be entitled to any Land subject to any perpetual yearly Rent reserved by the Conveyance or Agreement for Conveyance thereof, or have or be entitled to any Lease or Agreement for a Lease, the Trustee

Trustee may elect to complete or decline to complete such Purchase, or to take or decline to take such Land, or the Benefit of such Conveyance or Agreement, or Lease or Agreement for Lease; and if the Trustee shall not (upon being thereto required) elect whether he will so accept or decline, the Vendor or any Person entitled to such Rent, or having so conveyed or agreed to convey, or leased or agreed to lease, or any Person claiming under him, shall be entitled to apply to the Court, and the Court may order the Trustee to elect and deliver up such Agreement, or such Conveyance or Agreement for Conveyance, or Lease or Agreement for Lease, in case he shall decline the same, and the Possession of the Premises, or, if necessary, to reconvey or reassign the same, or may make such other Order therein as it shall think fit; and the Bankrupt, if he give up Possession, shall not be liable to pay any Rent accruing after the filing of the Petition for Adjudication of Bankruptcy against him, or of the Adjudication if made without Petition, or to be sued in respect of any subsequent Nonobservance or Nonperformance of the Conditions, Covenants, or Agreements in any such Conveyance or Agreement, or Lease or Agreement for a Lease: Provided that in every Case of a Lease or Agreement for a Lease it shall be lawful for the Trustee to take the Benefit thereof, and to keep Possession of the Premises up to some quarter or half-yearly Day on which Rent is made payable by the same Lease or Agreement, such Day not being more than Six Months from the Adjudication of Bankruptcy, upon the Terms of paying the Rent down to and including such Day, and upon such Day to decline such Lease or Agreement for a Lease.

accept Conveyance, &c., any Person entitled may apply to the Court.

Trustees may elect to take Lease for limited Period.

218. All Powers vested in any Bankrupt which he might legally execute for his own Benefit (except the Right of Nomination to any vacant Ecclesiastical Benefice) may be executed by the Trustee for the Benefit of the Creditors, or if not executed by the Trustee may be executed by any Purchaser for valuable Consideration to whom the Trustee may have conveyed or assigned the Estate or Interest of the Bankrupt in any Real or Personal Estate subject thereto, in such Manner as the Bankrupt might have executed the same.

Trustee may execute Powers previously vested in Bankrupt.

219. It shall not be lawful for any Bankrupt, either during his Bankruptcy or after he shall have obtained his Discharge, to execute any Power of Appointment, or other Power vested in him, so as to defeat or destroy any contingent or other Estate or Interest in any Property to which he was at the Time of his Bankruptcy, or at any Time before his Discharge, beneficially entitled in default of Appointment or otherwise in case of the Non-execution of such Power.

Clause F. Bankrupt not to execute Powers.

 220. When

Life Estates in Remainder, &c.

220. When under any Settlement or Will a Bankrupt Non-trader shall be entitled to a Life Estate in remainder expectant upon the Death or Deaths of any previous Tenant or Tenants for Life, with any Remainder over to the Bankrupt's Issue, or the Heirs of his Body, or any of them, as Purchasers, the Life Estate of such Bankrupt Non-trader shall not be sold before it falls into possession, without an express Direction of the Court.

Personal Estate to vest in Trustees.

221. When any Person has been adjudged a Bankrupt, all his Personal Estate and Effects, present and future, wheresoever the same may be found or known, and all Property which he may purchase, or which may revert, descend, be devised or bequeathed or come to him, before he shall have obtained his Discharge, and all Debts due or to be due to him, wheresoever the same may be found or known, and the Property, Right, and Interest in such Debts, shall become absolutely vested in the Trustee for the Time being, for the Benefit of the Creditors of the Bankrupt, by virtue of his Confirmation, and subject to all such Conditions, Restrictions, or Liabilities as affected or would have affected the same in the Bankrupt's Person; and after such Adjudication, neither the Bankrupt, nor any Person claiming through or under him, shall have Power to recover the same, nor to make any Release or Discharge thereof, neither shall the same be attached for any Debt of the Bankrupt by any Person, but such Trustee shall have like Remedy to recover the same in his own Name as the Bankrupt himself might have had if he had not been adjudged bankrupt.

Where Bankrupt beneficially entitled to Stock Transfer to be made to Trustee.

222. If any Bankrupt shall have any Government Stock, Funds, or Annuities, or any of the Stock of any public Company, either in England, Scotland, or Ireland, standing in his Name in his own Right, all Persons whose Act or Consent is thereto necessary shall, on Production to them of the Certificate of the Trustee's Appointment, transfer the same into the Name of the Trustee, and pay all Dividends upon the same to the Trustee. Any Treasurer or other Officer, or any Banker, Attorney, or Solicitor, or other Agent of the Bankrupt, shall pay and deliver over to the Trustee all Monies or Securities for Money in his Custody, Possession, or Power as such Officer or Agent, and which he is not by Law entitled to retain as against the Bankrupt or his Trustee.

Any Treasurer &c. or Agent of the Bankrupt to deliver all Monies, &c.

Realization of Estate.

Titles to Property sold not to be impeached, unless Proceedings taken to annul, and duly prosecuted.

223. No Title to any Real or Personal Estate sold under any Bankruptcy shall be impeached by the Bankrupt, or any Person claiming under him, in respect of any Defect in the Petition for Adjudication, or in the Adjudication, whether made upon or without Petition, or in any of the Proceedings under the same, unless the Bankrupt

Bankrupt shall within the Time allowed by this Act have commenced Proceedings to dismiss or annul the Petition or Adjudication, and duly prosecuted the same, and the Petition or Adjudication shall, under such Proceedings, be dismissed or annulled. The Court may, on the Application of the Trustee or any Purchaser of such Estate, declare by a Certificate under its Seal that no such Proceedings have within such Time been commenced, or been duly prosecuted, or that the Bankruptcy has not been annulled; and such Certificate shall be conclusive Evidence of the Title of the Trustee or of such Purchaser.

Conditional Estates granted by the Bankrupt may be redeemed by Trustees.

224. If any Bankrupt has granted, conveyed, assured, or pledged any Real or Personal Estate, or deposited any Deeds, Warrants, Bills, or other Securities, or Documents of Title, such Grant, Conveyance, Assurance, Pledge, or Deposit being upon Condition or with Power of Redemption at a future Day by Payment of Money or otherwise, the Trustee may, before the Time of the Performance of such Condition, make Payment of Money or other Performance, according to such Condition, as fully as the Bankrupt might have done; and after such Payment or Performance such Real or Personal Estate, Deeds, Warrants, Bills, Securities, or Documents of Title may be sold and disposed of, or otherwise dealt with, for the Benefit of the Creditors.

Mortgagee may bid at Sale.

225. Any Mortgagee, with the Leave of the Court first obtained, may bid at any Sale of the mortgaged Property.

Portion of Pay, Half Pay, Salary, or Pension of Bankrupt to be applicable for Creditors.

226. The Court may order such Portion of the Pay, Half Pay, Salary, Emolument, or Pension of any Bankrupt as, on Communication from the Court, the Secretary of State for War, or the Secretary of State for India, or the Lords Commissioners of the Admiralty, or the Commissioners of the Customs or Excise, or the Chief Officer of any Public Department to which such Bankrupt may belong or may have belonged, or under which such Pay, Half Pay, Salary, Emolument, or Pension may be enjoyed by such Bankrupt, may officially sanction to be paid to the Trustee, to be applied in Payment of the Debts of such Bankrupt; and such Order and Sanction being lodged in the Office of Her Majesty's Paymaster General, or of the Secretary of State for India, or of any other Officer or Person appointed to pay or paying any such Pay, Half Pay, Salary, Emolument, or Pension, such Portion of the said Pay, Half Pay, Salary, Emolument, or Pension as shall be specified in such Order and Sanction shall be paid to such Trustee until the Court shall make Order to the contrary.

Sequestration of Profits of Benefice of

227. If any Bankrupt be a beneficed Clergyman the Trustee may apply for and obtain a Sequestration of the Profits of the Benefice of

bankrupt Clergyman may be obtained.

of such Bankrupt, which Profits shall form Part of the Bankrupt's Estate, and be applied accordingly; and the Certificate of Confirmation of such Trustee shall be a sufficient Authority for the granting of such Sequestration, without any Writ or other Proceeding to authorize the same, and such Sequestration shall accordingly be issued as the same might have been issued upon any Writ of Levari facias founded upon any Judgment against such Bankrupt: Provided always, that the Sequestrator shall allow out of the Benefice to the Bankrupt whilst he performs the Duties of the Parish or Place such an annual Sum, payable quarterly, as the Bishop of the Diocese in which the Benefice is situated shall direct; and it shall be lawful for the Bishop to appoint to such Bankrupt such or the like Stipend as by Law he might have appointed to a Curate duly licensed to serve such Benefice in case the Bankrupt had been non-resident.

Search Warrants may be issued.

228. When, on the Application of the Trustee, or before the Appointment of a Trustee of the Petitioning Creditor or of any Receiver appointed by the Court, it shall be made to appear to the Satisfaction of the Court that there is Reason to believe that any Property of the Bankrupt is concealed in any House or other Place not belonging to such Bankrupt, the Court may grant a Search Warrant to any Person appointed by the Court, and it shall be lawful for such Person to execute such Warrant according to the Tenor thereof; and such Person shall be entitled to the same Protection as is allowed by Law in execution of a Search Warrant for Property reputed to be stolen or concealed; and every such Search Warrant shall be in such Form as shall be directed by General Orders.

No Action to be brought against Persons acting in obedience to Warrant of the Court.

229. No Action shall be brought against any Person appointed by the Court, for anything done in obedience to any Warrant of the Court, notwithstanding any Defect of Jurisdiction in the Court by which such Warrant shall have been granted; and if such Action be brought against the Trustee and the Person so appointed, and the Verdict shall be given against the Trustee, the Plaintiff shall recover his Costs against him, including such Costs as the Plaintiff is liable to pay to the Person so appointed as aforesaid; and in any such Action brought against the Trustee, Proof by the Plaintiff in such Action that the Defendant, or any of the Defendants, is Trustee, shall be sufficient for the Purpose of making such Defendant liable, in the same Manner and to the same Extent as if the Act complained of in such Action had been done or committed by such Defendant.

Proof in such Actions that Defendant is Trustee sufficient to render him liable.

230. It

Person holding Warrant may break open the Bankrupt's Doors, &c. and seize upon Property.

230. It shall be lawful for any Person acting under Warrant of the Court to break open any House, Chamber, Shop, Warehouse, Door, Trunk, or Chest of any Bankrupt where any such Bankrupt or any of his Property shall be reputed or suspected to be, and seize upon the Property of such Bankrupt; and if the Bankrupt be in Prison or in Custody, it shall be lawful for such Person to seize any Property of the Bankrupt (his necessary Wearing Apparel only excepted) in the Custody or Possession of such Bankrupt or of any other Person, in any Prison or Place where such Bankrupt is in Custody.

Execution of Warrant in Scotland or Ireland.

231. It shall be lawful for any Person acting under Warrant of the Court to break open any House, Chamber, Shop, Warehouse, Door, Trunk, or Chest of the Bankrupt in Scotland or Ireland where any of his Property shall be reputed to be, and to seize the same; provided such Warrant shall have been verified upon Oath before and backed or endorsed by a Justice of the Peace of the County, City, Borough, or Town Corporate where or near to which the same is executed; and provided also, that the Person executing it shall, before such Justice of the Peace, depose upon Oath that he is the Person named in such Warrant.

Power to mortgage or pledge Bankrupt's Property.

232. If it shall appear to any Meeting of the Creditors summoned by Notice stating the Object of the Meeting, and at which Three Fourths in Value of the Creditors who have proved against the Estate shall be present or represented, that the Debts of any Bankrupt can be discharged by means of Money raised by way of Mortgage or Pledge of any of his Property, and such Meeting shall pass a Resolution accordingly, it shall be lawful for the Trustee, when thereunto authorized by Order of the Court, to execute such Mortgage or Pledge, with or without Powers of Sale and other Powers, and in such Manner in all respects as shall be specified in such Order; and the Court may order the Execution of such Mortgage or Pledge by any other necessary Parties, and give all necessary Directions for the Purpose of carrying into effect the Resolution of the Creditors.

Power to sell Bankrupt's Book Debts, Goodwill, &c.

233. The Trustee may, with the Sanction of the Court, or of the Inspectors, or of any Meeting of Creditors, sell by Auction or Tender, or by private Contract, all or any of the Book Debts due or growing due to the Bankrupt, and the Books relating thereto, and the Goodwill of his Trade or Business, and assign the same to the Purchaser; and such Purchaser shall, by virtue of the Assignment, have Power to sue in his own Name for the Debts

assigned to him, as effectually, and with the same Privileges concerning Proof of the Requisites of Bankruptcy and other Matters, as the Trustee himself.

Goods in the Possession, Order, or Disposition of the Bankrupt to be deemed his Property.

234. If any Bankrupt at the Time he becomes bankrupt has, by the Consent and Permission of the true Owner thereof, in his Possession, Order, or Disposition any Goods or Chattels whereof he was reputed Owner, or whereof he had taken upon him the Sale, Alteration, or Disposition as Owner, the Court shall have Power to order the same to be sold and disposed of for the Benefit of the Creditors under the Bankruptcy: Provided that nothing herein contained shall invalidate or affect any Transfer or Assignment of any Ship, or any Share thereof, made as a Security for any Debt by way of Mortgage, duly registered according to the Provisions of the Acts in force relating thereto for the Time being.

Proviso for Assignment of Vessels.

Court may order Payment of Debts admitted to be due to Bankrupt;

235. If any Person examined as a Witness under Section One hundred and ninety-two of this Act shall, in his Examination, signed as therein directed, or in any separate Writing in the Form contained in the Schedule (A a.), admit that he is indebted to the Bankrupt in any Sum of Money either absolutely or upon the Balance of Accounts, it shall be lawful for the Court, if it think fit, to order that such Person shall forthwith, or at such Time and in such Manner as to the Court may seem expedient, pay the Amount so admitted, in full Discharge thereof, to the Trustee, together with the Costs of and incident to the Summons of such Person, if the Court think fit to award Costs, or the Court may, if it think fit, order the Trustee to pay the Costs of the Person summoned out of the Estate of the Bankrupt; and every such Order shall have the Effect of a Judgment in Her Majesty's Superior Courts of Common Law, and may be enforced accordingly; provided that if Part only of the Sum actually due be so admitted, or if the Court make Order for Payment Part only of the Sum admitted, the Residue may be recoverable in the same Manner in all respects as if no such Admission or Order had been made.

such Order to have Effect of Judgment.

Concealing Bankrupt's Effects.

236. Any Person who shall wilfully conceal any Real or Personal Estate of the Bankrupt, and who shall not, within Forty-two Days after the First Advertisement of the Adjudication of Bankruptcy in the Gazette, discover such Estate to the Court or to the Trustee, shall forfeit the Sum of One hundred Pounds, and double the Value of the Estate so concealed; and any Person who shall after such Time voluntarily discover to the Court or to the Trustee any Part of such Bankrupt's Estate not before come to the Knowledge of the Trustees

Allowance to Persons making Discovery.

Trustees shall be allowed a Commission after the Rate of Five Pounds per Centum thereupon, and such further Reward as the Trustee, with the Consent of the Inspectors, shall think fit, to be paid out of the Estate recovered on such Discovery. Any latent Partner of a Firm which has been adjudged bankrupt not disclosing the Fact of his being Partner to the Trustee before the Day fixed for Examination of the other Partners shall not be entitled to the Benefit of the Act, unless he shall satisfy the Court that his Failure to make such Disclosure arose from Mistake or Ignorance of the Proceedings or of his Liability, and shall then adopt all necessary Steps to remedy the same.

Latent Partner.

Conveyances or Contracts by the Bankrupt.

237. If any Bankrupt, being at the Time insolvent, shall (except upon the Marriage of any of his Children, or for some valuable Consideration,) have conveyed, assigned, or transferred to any of his Children, or to any other Person, any Hereditaments, Offices, Fees, Annuities, Leases, Goods or Chattels, or have delivered or made over to any such Person any Bills, Bonds, Notes, or other Securities, or have transferred his Debts to any other Person or into any other Person's Name, the Court shall have Power to order the same to be sold and disposed of for the Benefit of the Creditors under the Bankruptcy; and every such Sale shall be valid against the Bankrupt, and such Children and Persons, and against all Persons claiming under him.

Power of Court over certain Conveyances, &c. made by Bankrupt.

238. If any Real or Personal Estate or Debts of any Bankrupt be extended, after he shall have become bankrupt, by any Person, under Pretence of his being an Accountant of or Debtor to the Queen, the Court may examine upon Oath whether the said Debt was due to such Debtor or Accountant upon any Contract originally made between such Accountant and the Bankrupt; and if such Contract was originally made with any other Person than the said Debtor or Accountant, or in trust for any other Person, the Court may order such Real and Personal Estate or Debts to be sold, for the Benefit of the Creditors under the Bankruptcy, and such Sale shall be valid against the said Extent, and all Persons claiming under it; and any Person to whom the said Real and Personal Estate or Debts shall be sold by the Court shall have and may recover the same against any Person who shall detain the same.

Court may proceed when the Bankrupt by Fraud makes himself accountable to the Crown.

239. All Payments really and bonâ fide made by any Bankrupt, or by any Person on his Behalf, to any Creditor of such Bankrupt, and all Payments really and bonâ fide made to any Bankrupt, and all Conveyances for valuable Consideration by any Bankrupt bonâ fide made and executed, and all Contracts, Dealings, and

Payments, Conveyances, Contracts, &c., Executions against Lands (if executed by Seizure), and against Goods (if executed by

Seizure and Sale) to be valid, if no Notice of prior Act of Bankruptcy;

Transactions by and with any Bankrupt really and bonâ fide made and entered into, and all Executions and Attachments against the Lands of any Bankrupt bonâ fide executed by Seizure, and all Executions and Attachments against the Goods and Chattels of any Bankrupt bonâ fide executed and levied by Seizure and Sale, if such Payments, Conveyances, Contracts, Dealings, Transactions, Executions and Attachments, respectively, shall have been so made, executed, entered into, and proceeded with, respectively, as aforesaid, before the filing of the Petition for Adjudication in Bankruptcy, when Adjudication has been made upon Petition, and in other Cases before the Adjudication, or such earlier Time as the Adjudication may have relation to under the Provisions of this Act, shall be deemed to be valid, notwithstanding any prior Act of Bankruptcy by such Bankrupt committed, provided the Person so dealing with or paying to or being paid by such Bankrupt, or to or with whom any such Conveyance, Contract, or other Transaction shall be made or entered into, or at whose Suit or on whose Account such Execution or Attachment shall have issued, had not at the Time of such Payment, Conveyance, Contract, Dealing, or Transaction, or at the Time of so executing or levying such Execution or Attachment, or at the Time of making any Sale thereunder, Notice of any prior Act of Bankruptcy by him committed on which Adjudication was or at the Time of the Adjudication might have been made: Provided also, that nothing herein contained shall be deemed or taken to give Validity to any Payment or to any Delivery or Transfer of any Goods or Chattels made by any Bankrupt, being a fraudulent Preference of any Creditor of such Bankrupt, or to any Conveyance or Equitable Mortgage made or given by any Bankrupt by way of fraudulent Preference of any Creditor of such Bankrupt, or to any Execution founded on a Judgment on a Warrant of Attorney or Cognovit Actionem or Judge's Order obtained by Consent given by any Bankrupt by way of fraudulent Preference.

but nothing herein to give Validity to Payments, &c. by way of fraudulent Preference.

Bonâ fide Purchases not to be impeached by Notice of Acts of Bankruptcy, unless Petition be filed within Twelve Months after the Act of Bankruptcy.

240. No Purchase from or other Dealing with any Bankrupt bonâ fide and for valuable Consideration, where the Purchaser had Notice at the Time of such Purchase of an Act of Bankruptcy by such Bankrupt committed, shall be impeached by reason thereof, unless a Petition or other Proceeding for Adjudication of Bankruptcy shall have been filed or taken within Twelve Months after such Act of Bankruptcy.

Execution levied before filing Petition.

241. If any Execution is levied by Seizure of any of the Goods and Chattels of any Trader Debtor upon any Judgment recovered in any Action Personal for the Recovery of any Debt or Money Demand before a Petition or other Proceeding for Adjudication of Bankruptcy is filed or taken, the Sheriff or other Officer making the Levy shall proceed with the Execution, notwithstanding the filing of

of a Petition for Adjudication of Bankruptcy against the Debtor, or any other Proceeding for that Purpose, and shall, at the End of Seven Days after the Sale, pay over the Proceeds, or so much as ought to be paid, to the Execution Creditor, who shall be entitled thereto, unless the Debtor be adjudged a Bankrupt within Fourteen Days from the Day of the Sale, in which Case the Money so received by the Creditor shall, after Deduction of the Costs and Expenses of such Action and Execution and Sale, be paid by him to the Trustee under the Bankruptcy, but the Sheriff or other Officer shall not incur any Liability by reason of anything done by him as aforesaid.

Distress not to be available for more than One Year's Rent due; Landlord to prove for the Residue.

242. No Distress for Rent made and levied after an Act of Bankruptcy upon which Adjudication shall be made upon the Goods or Effects of any Bankrupt, whether before or after the filing of a Petition for Adjudication of Bankruptcy, shall be available for more than One Year's Rent accrued prior to the Day of the filing of such Petition if Adjudication be made thereon, or, in other Cases, prior to the Date of the Adjudication, or such earlier Time as the same may have relation to under this Act; but the Landlord or Person to whom the Rent shall be due shall be allowed to come in as a Creditor for the Overplus of the Rent due, and for which the Distress shall not be available.

Clause G. Claims to Goods taken under Warrant of Seizure, &c. in County Court to be adjudicated in County Court.

243. When the Petitioning or Summoning Creditor's Debt is under Fifty Pounds and the Petition or Summons has been filed in or sued out of a County Court, if any Claim shall be made after Adjudication in Bankruptcy to or in respect of any Goods, Chattels, or Effects taken under any Warrant of Seizure or other Process issued under the Authority of this Act, or in respect of the Proceeds or Value thereof, by any Landlord for Rent or by any Person not being the Person against whom such Warrant or other Process has issued, it shall be lawful for the Registrar of the Court, upon the Application of the Officer charged with the Execution of such Warrant or other Process as well before as after any Action brought against such Officer, to issue a Summons (in a Form to be prescribed by General Orders framed in conformity with the Provisions of this Act) calling before the Court as well the Party at whose Instance such Warrant or Process has been issued as the Party making such Claim, and thereupon any Action which shall have been brought in any of Her Majesty's Superior Courts of Record or in any Local or Inferior Court in respect of such Claim shall be stayed, and the Court in which such Action shall have been brought or any Judge thereof on Proof of the Issue of such Summons, and that the Goods, Chattels, or Effects were so taken under such Warrant or other Process, may order the Party bringing such Action to pay the Costs of

of all Proceedings had upon any such Action after the Issue of such Summons out of the County Court. And the Judge of the County Court shall adjudicate upon such Claim and make such Order between the Parties in respect thereof, and of the Costs of the Proceedings, as to him shall seem fit, and such Order shall be enforced in like Manner as any Order made in any Suit brought in such Court.

CLAUSE H. Claimant of Goods taken under Warrant of Seizure, &c. in County Court must deposit the Value or pay Costs of keeping Possession, otherwise Goods shall be sold.

244. Where any Claim shall be made under the last preceding Section to or in respect of any Goods, Chattels, or Effects taken under any Warrant of Seizure or other Process issued under the Authority of this Act, or in respect of the Proceeds or Value thereof, the Claimant may (within such Time as shall be directed by General Orders to be framed in conformity with the Provisions of this Act) deposit with the Officer or Person charged with the Execution of such Warrant or other Process either the Amount of the Value of the Goods claimed, such Value to be fixed by Appraisement in case of Dispute, to be by such Officer or other Person paid into Court to abide the Decision of the Judge upon such Claim, or the Sum which such Officer or other Person shall be allowed to charge as Costs for keeping Possession of such Goods until such Decision can be obtained, and in default of the Claimant so doing such Officer or other Persons shall sell such Goods as if no such Claim had been made, and shall pay into Court the Proceeds of such Sale to abide the Decision of such Judge.

CLAUSE I. Provision for the summary Determination of Claims to Goods in County Court.

245. If any Claim shall be made to or in respect of any Goods or Chattels, Money, or Securities for Money or other Property which may form Part of the Estate of any Bankrupt against whom an Adjudication shall have been made upon Petition or Summons filed in or sued out of any County Court under the Authority of this Act, or which may have belonged to or been within the Order or Disposition of such Bankrupt at any Time within One Year next prior to the Act of Bankruptcy upon which such Adjudication is founded, or in respect of the Proceeds or Value thereof by any Landlord for Rent, or by any other Person as against the Receiver, Trustee, or Assignee of the Estate of such Bankrupt, or by such Receiver, Trustee, or Assignee, as against any other Person, it shall be lawful for the Registrar, upon the Application of such Receiver, Trustee, or Assignee as aforesaid, or of such other Person making such Claim as aforesaid, to issue a Summons calling before the Court as well the said Receiver, Trustee, or Assignee, as the said other Person making such Claim as aforesaid, and the Judge of the County Court shall Adjudicate on such Claim, and make such Order between the Parties in respect thereof, and of the Costs of the Proceedings, as to him shall seem fit, and may direct such Costs or any Part thereof to be paid by the Parties or any of them, or out of

of the Bankrupt's Estate as may be expedient; and such Order shall be enforced in like Manner as any Order authorized by this Act to be made by the said Judge.

Certain Warrants of Attorney, &c. given within Two Months of filing Petition to be null and void.

246. Every Warrant of Attorney to confess Judgment in any personal Action, given by any Bankrupt within Two Months of the filing of a Petition for Adjudication of Bankruptcy against such Bankrupt, or of the Adjudication or any earlier Period to which the Adjudication may have relation under this Act, when the same has been made without Petition, and being for or in respect of (wholly or in part) an antecedent Debt or Money Demand, and every Cognovit Actionem or Consent to a Judge's Order for Judgment given, or Agreement to allow Judgment to pass by Default, upon an Undertaking by the Plaintiff not to issue or to postpone issuing Execution thereon upon Terms mutually agreed upon entered into by any Bankrupt, at any Time after the Commencement of this Act, and within Two Months of the filing of any such Petition, or of such other Time as aforesaid, in any Action commenced by Collusion with the Bankrupt, and not adversely, or purporting to have been given or entered into in an Action, but having been in fact given or entered into before the Commencement of any Action against the Bankrupt, such Bankrupt being unable to meet his Engagements at the Time of giving or entering into such Warrant of Attorney, Cognovit Actionem, Consent or Agreement (as the Case may be) shall be deemed and taken to be null and void, whether the same shall have been given by such Bankrupt in contemplation of Bankruptcy or not.

Petitioning Creditor compounding with Debtor after Bankruptcy.

247. If any Petitioning Creditor shall after the filing of his Petition receive any Money, Satisfaction, or Security for his Debt or any Part thereof, whereby such Petitioning Creditor may receive more in the Pound in respect of his Debt than the other Creditors, such Petitioning Creditor shall forfeit his whole Debt, and shall also repay or deliver up such Money, Satisfaction, or Security, or the full Value thereof, to the Trustee of such Bankrupt, for the Benefit of the Creditors of the Bankrupt.

Where Bankrupt is a Trustee, the Lord Chancellor may order Conveyance or Assignment to another Trustee.

248. If any Bankrupt shall as Trustee be seised, possessed of, or entitled to, either alone or jointly, any Real or Personal Estate, or any Interest secured upon or arising out of the same, or shall have standing in his Name as Trustee, either alone or jointly, any Government Stock, Funds, or Annuities, or any of the Stock of any public Company, either in England, Scotland, or Ireland, it shall be lawful for the Lord Chancellor, on the Petition of the Person entitled in possession to the Receipt of the Rents, Issues, and Profits, Dividends, Interest, or Produce thereof, on due Notice given to all other Persons (if any) interested therein, to order the

Trustee in the Bankruptcy, and all Persons whose Act or Consent thereto is necessary, to convey, assign, or transfer the said Estate, Interest, Stock, Funds, or Annuities, to such Person as the Lord Chancellor shall think fit, upon the same Trusts as the said Estate, Interest, Stock, Funds, or Annuities were subject to before the Bankruptcy, or such of them as shall be then subsisting and capable of taking effect, and also to receive and pay over the Rents, Issues, and Profits, Dividends, Interest, or Produce thereof, as the Lord Chancellor shall direct: Provided, that if the whole Value of of such Trust Estate, Interest, Stock, or Annuities do not exceed Five hundred Pounds the Power by this Section given to the Lord Chancellor may be exercised by the Judge of any County Court, to whose equitable Jurisdiction the Bankrupt may be subject as such Trustee as aforesaid.

Actions by or against Trustee.

Trustee may institute or defend Actions or Suits, and compound for Debts due to the Estate, or submit Disputes to Arbitration.

249. The Trustee shall not, except by Direction of the Creditors at a General Meeting, commence, prosecute, or defend any Action at Law or Suit in Equity which the Bankrupt might have commenced and prosecuted or defended, and in case such Direction is given the Costs to which he may be put in respect of such Suit or Action shall be allowed out of the Proceeds of the Estate and Effects of the Bankrupt. The Trustee may, with Consent of the Inspectors, take such reasonable Part of any Debts due to the Bankrupt's Estate as may by Composition be gotten, or may give Time or take Security for the Payment of such Debts, and may submit to Arbitration any Difference or Dispute between the Trustee and any other Person for or on account or by reason of anything relating to the Estate and Effects of the Bankrupt; and if the Trustee shall agree in manner aforesaid to refer any Matter in dispute to Arbitration, such Agreement of Reference may be made a Rule of the Court of Chancery, or of any of Her Majesty's Superior Courts of Law at Westminster, whether such Agreement contain a Clause to that Effect or not.

Reference to Arbitration may be made a Rule of Court.

Court may authorize Action in Name of Trustee and of the Partner of Bankrupt.

250. If any Member of a Firm be adjudged bankrupt, it shall be lawful for the Court to authorize the Trustee, upon his Application, under such Direction of the Creditors as aforesaid, to commence or prosecute any Action at Law or Suit in Equity, in the Name of such Trustees and of the remaining Partner, against any Debtor of the Partnership, and such Judgment, Decree, or Order may be obtained therein as if such Action or Suit had been instituted with the Consent of such Partner, and if such Partner shall execute any Release of the Debt or Demand for which such Action or Suit is instituted such Release shall be void; provided that every such Partner shall have Notice given him of such Application, and be at liberty to show Cause against it, and if no Benefit be claimed by him

Partner to have Notice and be at liberty to show Cause.

him by virtue of the said Proceedings, shall be indemnified against the Payment of any Costs in respect of such Action or Suit, in such Manner as the Court may direct; and that it shall be lawful for such Court, upon the Application of such Partner, to direct that he may receive so much of the Proceeds of such Action or Suit as such Court shall direct.

Court may direct Partner to have Part of Proceeds.

251. All Persons from whom the Trustee shall have recovered any Real or Personal Estate, either by Judgment or Decree, or who may have paid any Money into Court in any Action or Suit by the Trustee, are hereby discharged, in case the Adjudication in Bankruptcy be afterwards annulled, from all Demand which may thereafter be made in respect of the same by the Person against whom such Adjudication was made, and all Persons claiming under him; and all Persons who shall, without Action or Suit, bonâ fide deliver up Possession of any Real or Personal Estate to the Trustee, or pay any Debt claimed by him, are hereby discharged from all Claim of any such Person as aforesaid in respect of the same, or any Person claiming under him, provided the Persons so delivering up any Real or Personal Estate, or paying any Debt, shall not have had Notice of an Action, Suit, or other Proceeding to dispute or annul the Adjudication or Petition for Adjudication having been commenced and prosecuted within the Time and in Manner allowed by this Act.

If Adjudication be annulled, &c. Persons from whom the Trustee has recovered, &c. discharged from Claims by the Bankrupt.

252. When the Trustee is elected, or when a Trustee shall die or be removed and a new Trustee shall be appointed, no Action at Law or Suit in Equity commenced or prosecuted by the Interim Receiver or by the former Trustee shall be thereby abated, but the Court in which any Action or Suit is depending may, upon the Suggestion of such Election or of such Death or Removal and new Election, allow the Name of the new Trustee to be substituted in the Place of the former Trustee to the same Effect as if he had originally commenced the same.

Suits not to abate by Death or Removal of Trustee.

253. If the Trustee commence any Action or Suit for any Money due to the Bankrupt's Estate before the Time allowed for the Bankrupt to dispute the Bankruptcy shall have elapsed, any Defendant in any such Action or Suit shall be entitled, after Notice given to the Trustee, to pay the same or any Part thereof into the Court in which such Action or Suit is brought, and all Proceedings with respect to the Money so paid into Court shall thereupon be stayed until such Time shall have elapsed; and if within that Time the Bankrupt shall not have commenced such Action, Suit, or other Proceeding as allowed by this Act, and prosecuted the same with

If Trustee commences Action before Time allowed to dispute the Bankruptcy has elapsed, Debtor to Estate may pay Money into Court.

due Diligence, the Money shall be paid out of Court to the Trustee, but otherwise shall abide the Event of such Action, Suit, or other Proceeding, and upon such Event shall be paid out of Court, either to the Trustee or the Person adjudged bankrupt, as the Court shall direct; and after such Payment of Money so made into Court it shall not be lawful for the Person so adjudged bankrupt to proceed against the Defendant for Recovery of the same Money.

Limitation of Actions.

General Issue.

Costs.

254. Every Action brought against any Person for anything done in pursuance of this Act shall be commenced within Three Months next after the Fact committed; and the Defendant in any such Action may plead the General Issue, and give this Act and the special Matter in Evidence at the Trial, and that the same was done by Authority of this Act; and if it shall appear so to have been done, or that such Action was commenced after the Time limited as aforesaid for bringing the same, the Jury shall find for the Defendant; and if there be a Verdict for the Defendant, or if the Plaintiff shall be nonsuited, or discontinue his Action or Suit, after Appearance thereto, or if upon Demurrer Judgment shall be given against the Plaintiff, the Defendant shall receive all his Costs, Charges, and Expenses incurred in and about such Action which shall be taxed by the proper Officer in that Behalf, subject to be reviewed in like Manner and by the same Authority as any other Taxation of Costs by such Officer.

In Actions no Proof required of Petitioning Creditor's Debt, Trading, or Act of Bankruptcy, unless Notice be given.

255. In any Action, whether at the Suit of or against the Trustee, or against any Person acting under the Warrant of the Court, for anything done under such Warrant, no Proof shall be required, at the Trial, of the Petitioning Creditor's Debt, or of the Trading or Act of Bankruptcy respectively, unless the other Party in such Action shall, if Defendant at or before pleading, and if Plaintiff before Issue joined, give Notice in Writing to such Trustee or other Person that he intends to dispute some and which of such Matters; and in case such Notice shall have been given, if such Trustee or other Person shall prove the Matter so disputed, or the other Party admit the same, the Judge before whom the Cause shall be tried may (if he think fit) grant a Certificate of such Proof or Admission; and such Trustee or other Person shall be entitled to the Costs occasioned by such Notice.

The same in Suits in Equity.

256. In all Suits in Equity, whether at the Suit of or against the Trustee, no Proof shall be required at the Hearing of the Petitioning Creditor's Debt, or of the Trading or Act of Bankruptcy respectively, as against any of the Parties in such Suit, except such Parties as shall within Ten Days after Rejoinder give Notice in Writing to the Trustee

Trustee of their Intention to dispute some and which of such Matters; and where such Notice shall have been given, if the Trustee shall prove the Matter so disputed, the Costs occasioned by such Notice shall, if the Court see fit, be paid by the Parties so giving such Notice, and the Service of such Notice may be proved by Affidavit upon the Hearing of the Cause.

Payments to be made in priority.

One Year's Parochial Rates to be paid in full.

257. The Trustee out of the Estate and Effects of the Bankrupt shall pay all such Parochial Rates as may be due from him at the Time of his being adjudicated a Bankrupt; provided such Rates have become due during the Twelve Months immediately preceding the Bankruptcy, and all Duties of Assessed Taxes, Land Tax, and Property or Income Tax assessed on the Bankrupt at the Time of his Bankruptcy up to the Fifth Day of April next after the same shall have happened (such Payment not exceeding in the whole One Year's Assessment); and the Bankrupt shall not be liable to be assessed to such Duties after the said Fifth Day of April in respect of any Article kept and used for the Purposes of Trade at or before the Time of the Bankruptcy, which Article shall have been seized and surrendered and bonâ fide sold under the Bankruptcy, and not kept or used by the Bankrupt after the said Fifth Day of April.

Payment of Assessed Taxes.

Monies belonging to any Friendly Society.

258. The Trustee in the Bankruptcy of any Person appointed to or employed in any Office in any Society established under any of the Acts relating to Friendly Societies, and being entrusted with the keeping of the Accounts, or having in his Hands or Possession, by virtue of his Office or Employment, any Monies or Effects belonging to such Society, or any Deeds or Securities relating to the same, shall, upon Application made by the Order of any such Society or any Committee thereof, or the major Part of them assembled at any Meeting thereof, pay and deliver over to such Society, or to such Person as such Society or Committee may appoint, all Monies and other Things belonging to such Society, and shall also pay out of the Estate and Effects of the Bankrupt, before any other of his Debts are paid and satisfied, all Sums of Money remaining due which the Bankrupt received by virtue of his said Office or Employment.

Clause K.
Monies due to Trustees of Savings Banks.

259. The Trustee shall in like Manner pay to the Trustees of any Savings Bank to whom the Bankrupt may be indebted at the Time of his Bankruptcy all Sums of Money due to such last-mentioned Trustees from the Bankrupt, in respect of which any Right of Preference or Priority of Payment over the other Creditors of the

Bankrupt may be secured or given to the Trustees of such Savings Bank by any Act of Parliament now or to be hereafter in force.

Three Months Wages or Salary to Clerks or Servants.

260. The Trustee shall pay any Salary or Wages due by the Bankrupt at the Time of his Bankruptcy to any Clerk, Servant, Workman, or Labourer of such Bankrupt to an Amount not exceeding Three Months Wages or Salary, and not exceeding Thirty Pounds in the Case of such Clerk or Servant, and not exceeding Forty Shillings, in the Case of such Labourer or Workman; and any such Clerk, Servant, Labourer, or Workman shall be at liberty to prove for any Sum exceeding such Amount.

Wages not exceeding 40*s.* to Labourer or Workman.

Apprentices to Bankrupts discharged from their Indentures.

261. Adjudication of Bankruptcy shall be a complete Discharge of the Indenture whereby any Apprentice was bound to the Bankrupt; and if any Sum shall have been really and bonâ fide paid, by or on the Behalf of such Apprentice, to the Bankrupt, as an Apprentice Fee, it shall be lawful for the Court, upon Proof thereof, to order any Sum to be paid out of the Estate of the said Bankrupt, to or for the Use of such Apprentice, which such Court shall think reasonable, regard being had, in estimating such Sum, to the Amount of the Sum so paid by or on behalf of such Apprentice, and to the Time during which such Apprentice shall have resided or served with the Bankrupt under such Indenture previous to the Adjudication.

Sum to be paid in respect of Apprentice Fees.

Payment of Dividend.

Trustee to make up and exhibit to Inspectors Statement of Funds.

262. As soon as conveniently may be after his Appointment and in every Case within the Period of Five Months from the Date of the Adjudication, the Trustee shall make up a Statement of the whole Estate of the Bankrupt, of the Funds recovered by him, and of the Property outstanding (specifying the Cause why it has not been recovered), and also an Account of his Disbursements, and of the Dates at which he has deposited the Funds in Bank, and generally of his Management; and shall deliver or send Copies of such Statement and Account to the Inspectors and the Comptroller; and within Ten Days after the Receipt of such Statement and Account the Inspectors shall meet, and examine such Statement and Account, and ascertain whether the Trustee has duly deposited the Monies recovered by him in Bank or not, and if he has failed to do so they shall debit him with a Sum at the Rate of Twenty Pounds on every Hundred Pounds not so deposited, and so after that Rate on any larger or smaller Sum, being not less than Fifty Pounds; and they shall audit his Accounts, and settle the Amount of his Commission on the Assets recovered, and authorize him to take Credit for such Commission in his Accounts with the Estate;

Estate; and they shall certify by a Writing under their Hands, which shall be entered in the Minute Book, the Balance due to or by the Trustee in his Account with the Estate as at the Date of the said Statement and Account; and they shall declare whether any and what Part of the net Produce of the Estate, after making a reasonable Deduction for future Contingencies, shall be divided among the Creditors.

Inspectors to resolve as to Payment of Dividend, &c.

263. The Trustee shall also within the said Ten Days make out a complete List of the Creditors who have down to the Date of the said Statement and Account tendered Proofs of their Debts and been admitted as entitled to receive a Dividend, specifying the Amount of their Debts, and distinguishing whether they are ordinary Creditors or preferable or contingent, and he shall make up a separate List of any Creditors whose Claims he has rejected in whole or in part; and he shall immediately give Notice in the Gazette of the Time and Place of the Payment of the Dividend, and also notify the same by Letters put into the Post Office on or before the last of the said Ten Days, addressed to each Creditor, in which he shall specify the Amount of his Proof as admitted, and when he has rejected any Proof he shall notify the same to the Claimant by Letter as aforesaid, which Letter shall also contain a Statement of the Grounds of such Rejection, and specify the Amount of the Claim; and a Certificate by the Trustee that such Letters have been put into the Post Office by himself or in his Presence shall be sufficient primâ facie Evidence thereof; and if any Party who has tendered a Proof be dissatisfied with the Decision of the Trustee, either in rejecting it or in admitting any other Proof, and whether in whole or in part, he may appeal to the Court, but if no such Appeal be filed before the Expiration of Ten Days from the Date of the posting of such Letters the Decision of the Trustee shall be final and conclusive so far as regards that Dividend, and if on Appeal the Proof be rejected it shall not be tendered again for any subsequent Dividend; but in case the Proof have been rejected by the Trustee, and Appeal not taken, such Decision shall be without Prejudice to any new Proof being afterwards tendered in reference to future Dividends, but which new Proof shall not disturb prior Dividends.

Trustee to examine and reject or admit Claims, and make up List of Creditors entitled to Payment of Dividend;

and to publish and send Notices of Payment of Dividend.

Creditors may appeal within a limited Period.

264. The Trustee shall, before the Expiration of One Month from the Date of such Statement and Account as aforesaid, make up a Statement of Division of the Fund directed by the Inspectors to be divided, and apportion the same, according to their respective Rights, among those Creditors whose Proofs have been tendered prior to the Date of his said Statement and Account,

Trustee to make up a Statement of Division.

and admitted by him or by the Court, or whose Appeal is not yet decided, or who being stated as Creditors in the Bankrupt's List of Creditors, or believed by the Trustee to be Creditors, shall be known or believed by the Trustee to have been out of the United Kingdom from the Date of the Adjudication being advertised in the Gazette, and till the Period for tendering Proofs for the Dividend; and such Statement shall be open to all concerned, and the Trustee shall send Notice to each Creditor of the Amount of the Dividend to which he may be entitled, and of the Time and Place for Payment of the Dividends.

Dividends to be paid, and those disputed or claimed by contingent Creditors to be lodged in Bank.

265. On the First Day after the Expiration of One Month from the Date of his said Statement and Account, and at the Place appointed, the Trustee shall pay to the Creditors the Dividends allotted to them respectively in Terms of the said Statement of Division; and he shall deposit the Dividends apportioned to those Claims which are under Appeal, but not finally determined, and the Dividends apportioned to contingent or absent Creditors or other Claimants, not then entitled to receive the same, in the Bank appointed by the Creditors, or in default of such Appointment in the Bank of England to a separate Account, or if the Money be already deposited in Bank, he shall transfer it to a separate Account, and all such Accounts shall be in Name of himself and the Inspectors, and the said Dividends shall remain therein until the said Appeals be disposed of or the Dividends become payable.

Trustee to make up Statement, &c., and Inspectors to resolve as in case of First Dividend.

266. As soon as conveniently may be after the Date of the First Statement and Account, and in every Case within the Period of Eight Months from the Date of the Adjudication, the Trustee shall again make up a further Statement and Account as herein-before provided, of which he shall, within Ten Days after the Date thereof deliver or send Copies to the Comptroller and also to the Inspectors, who shall meet and examine and audit the same, and perform the other Acts and Duties incumbent on them, in manner before specified, and direct a Second Dividend to be paid, if there shall be Funds to pay the same; and if the Inspectors shall direct a Dividend to be paid, the Trustee shall also make up Lists of the Creditors who are entitled and who are not entitled to Payment of the Dividend, and frame a Statement of Division, and give Notice thereof in the Gazette and by Letters, and any Creditor may appeal, all as is herein-before provided with respect to the First Dividend; and on the First Day after the Expiration of One Month from the Date of such further Statement and Account, the Trustee shall make Payment of the Second Dividend to those Creditors who are entitled thereto, and shall deposit the

the Dividends disputed or not then payable, all as herein-before provided with respect to the First Dividend.

Same Proceedings as in prior Dividends.

267. The like Procedure shall be followed out as to subsequent Dividends, in order that a Dividend may be made after an Interval not exceeding Three Months from the Day of Payment of the immediately preceding Dividend, until the whole Funds of the Bankrupt shall be divided.

Dividends may be accelerated in certain Cases.

268. A Majority in value of the Creditors, at any General Meeting called for the Purpose, may determine that future Dividends shall be made at such Intervals as they shall direct, with a view to bring the Affairs of the Estate to a more speedy Close; and it shall be the Duty of the Trustee in all Cases so far as may be practicable, but subject to the Power of Postponement hereinafter given to the Inspectors, to comply with any such Direction.

Proceedings when Inspectors postpone the Dividend.

269. If it shall appear to the Inspectors that any Dividend ought to be postponed they may direct the Postponement thereof till the Recurrence of another Period for making a Dividend, and they shall authorize the Trustee to give a Notice to that Effect in the next Gazette.

Where Estate is chiefly Land Periods of Payment may be altered.

270. In Cases where the Bankrupt Estate consists chiefly of Land, and in any other Cases where it may be necessary, it shall be lawful for the Court, on a special Application by the Trustee or Inspectors, to authorize such Alteration in the Periods above mentioned for Payment of Dividends as shall be found most suitable to the Circumstances of the Case.

Creditors proving before Second Dividend entitled to receive Equivalent for First Dividend.

271. If a Creditor has not tendered his Proof in Time to share in the First Dividend, but has done so in Time to share in the Second Dividend, and his Proof has been admitted, he shall be entitled, on Occasion of Payment of the Second Dividend, to receive in the first place (if there be sufficient for that Purpose) an equalizing Dividend corresponding to the Dividend he would have drawn if he had claimed in Time for the First Dividend; and the same Rule shall apply as to all subsequent Dividends.

Creditor resident abroad may prove a later Periods.

272. When the Dividend of any Creditor not resident within the United Kingdom at the Date of the Adjudication and prior to the Time of Payment shall have been reserved, it shall be paid to him on Tender and Admission of his Proof: Provided that if no Proof in respect of such Debt be tendered within Eight Months after the Adjudication, the Trustee or any Creditor may apply to the Court to order such reserved Dividend to be distributed among

the Creditors who have proved. Sums reserved on account of Dividends of Creditors who have appealed shall, on Dismissal of the Appeal, form Part of the Fund for Division among the Creditors entitled to share in the next Dividend.

No Action to be brought for Dividends, but the Remedy to be by Application to the Court.

273. No Action for any Dividend shall be brought against any Trustee by any Creditor who shall have proved under the Bankruptcy; but if the Trustee refuse to pay any such Dividend, the Court may order Payment thereof, with Interest for the Time that it shall have been withheld, and may also order Payment of the Costs of the Application.

Unclaimed Dividends.

274. All unclaimed Dividends, and all Monies unclaimed, the Produce of any Bankrupt's Estate, shall, before the Discharge of the Trustee, be paid or transferred by the Trustee to the Credit of "The Unclaimed Dividend Account," and shall be subject to the Order of the Court for the Payment thereout of any Dividend due to any Creditor, but without Interest on such Dividend, or for the Distribution of any such other unclaimed Money; and the Interest and Profit arising from the said Account shall from Time to Time be paid over to the Account of the Chief Registrar; and a Book shall be kept in the Office of the Comptroller, entitled "Register of Unclaimed Dividends," containing a List, with the Names arranged alphabetically, of all Creditors entitled thereto, which shall be open to all Persons; and on any Order of the Court for Payment of any such Dividends being made, a Copy of such Order shall be transmitted by the Registrar to the Comptroller, who shall correct the said Register accordingly.

Surplus to be paid to Bankrupt.

275. Any Surplus of the Bankrupt's Estate and Effects which may remain after Payment of his Debts, with such Interest thereon as might have been included in the Proof, and the Charges of recovering and distributing the Estate, shall be paid to the Bankrupt, his Heirs, Executors, Administrators, or Assigns; and on such Payment in full of Debts, Interest, and Charges, the Bankrupt may apply to the Court for an Order revesting the unsold Portion of the Estate in him, and by such Order, if made, it shall be revested in him to the same Effect as if he had never been bankrupt.

Allowances to the Bankrupt.

Allowance to Bankrupt for Maintenance.

276. It shall be lawful for Four Fifths of the Creditors present at any Meeting, if they think fit, from Time to Time to make such Allowance to the Bankrupt out of his Estate, until the Time fixed for Payment of the Second or any subsequent Dividend, as shall be necessary for the Support of himself and his Family:

Provided

Provided always, that no such Allowance shall be made unless he has complied with the Provisions of this Act, and that no such Allowance shall exceed the Rate of Three Pounds Three Shillings per Week.

Allowance to Bankrupt on Discharge.

277. Every Bankrupt who shall have obtained his Order of Discharge, if the net Produce of his Estate in hand shall (with any prior Dividend) pay the Creditors who before or at the Time of making such Order have proved under the Bankruptcy Ten Shillings in the Pound, shall be allowed and paid Five Pounds per Centum out of such Produce, provided such Allowance shall not exceed Four hundred Pounds; and every such Bankrupt, if such Produce shall (with or without prior Dividend) pay such Creditors Twelve Shillings and Sixpence in the Pound, shall be allowed and paid as aforesaid Seven Pounds Ten Shillings per Centum, provided such Allowance shall not exceed Five hundred Pounds; and every such Bankrupt, if such Produce shall (with or without prior Dividend) pay such Creditors Fifteen Shillings in the Pound or upwards, shall be allowed and paid Ten Pounds per Centum, provided such Allowance shall not exceed Six hundred Pounds; Provided always, that no such Allowance shall be payable to any Bankrupt until after the Expiration of Twelve Months from the Date of the Adjudication of Bankruptcy, and such Allowance shall then be payable only in the event of the Dividends paid to the Creditors who shall then have proved Debts being of the requisite Amount in that Behalf aforesaid; and if at the Expiration of such Time the Dividends paid shall not amount to Ten Shillings in the Pound it shall be lawful for the Court to allow such Bankrupt so much as the Court, with the Consent of the Inspectors, shall think fit, not exceeding the Rate of Three Pounds per Centum or the total Sum of Three hundred Pounds.

One Partner may receive Allowance although other not entitled.

278. In all joint Petitions for Adjudication of Bankruptcy under which any Partner shall have obtained his Discharge, if a sufficient Dividend has been paid in the aggregate upon the joint Estate and upon the separate Estate of such Partner, the Partner so discharged shall be entitled to his Allowance, according to the Amount of such Dividend, although the other Partner may not be entitled to any Allowance.

Bankrupt's Discharge.

Proceedings for Bankrupt's Discharge.

279. The Bankrupt may at any Time after the Expiration of Four Months after the Adjudication petition the Court to be finally discharged from all Debts contracted by him before the Date of the Adjudication, provided that along with such Petition he shall file a Certificate by the Trustee that he has duly attended the Examination

tion and made a full Discovery and Surrender of his Estate, and given all the Assistance in his Power towards its Realization, and that Assets have been realized or Payments made by or on behalf of the Bankrupt sufficient to pay a Dividend of Six Shillings and Eightpence in the Pound on all the Debts or Liabilities then proved or contained in the Bankrupt's Statement of his Accounts or believed by the Trustee to be due, and that no Prosecution has been instituted against the Bankrupt under this Act, or if instituted that he has been acquitted; and the Court shall order Notice of the Petition to be given in the Gazette and by Letter to each Creditor who has proved any Debt against the Estate; and if, at the Distance of not less than Twenty-one Days from the Publication of such Notice in the Gazette, and on the Certificate being produced as aforesaid, there be no Appearance to oppose the Petition, the Court shall grant an Order of Discharge; but if Appearance be made by any of the Creditors or by the Trustee, the Court shall judge of any Objections against granting the Discharge, and shall either grant or refuse the Discharge, or defer the Consideration of the same for such Period as it may think proper; provided that if the Bankrupt shall not file the Certificate by the Trustee aforesaid, or if the Certificate shall not state any of the Particulars herein-before required, it shall be lawful for the Bankrupt to state in his Petition the Reason why such Certificate is not filed or is defective, and to adduce Evidence in support of such Statement; and if the Court shall be satisfied that the Bankrupt has substantially performed all that is required to be set forth in such Certificate, it may grant the Discharge: Provided also, that no Objection shall be admitted as a valid Ground for refusing to grant such Discharge, unless it shall be thereby established to the Satisfaction of the Court that the Bankrupt has not substantially performed all that is required to be set forth in such Certificate as aforesaid, or that a Prosecution is pending or is about to be instituted against the Bankrupt under this Act.

Discharge after Six Years.

280. After the Expiration of Six Years from the Date of the Adjudication, the Bankrupt may apply for and the Court may grant his Discharge although his Estate shall not have paid Six Shillings and Eightpence in the Pound, as herein-before required, provided he shall in all other respects comply with the Requisites herein-before made necessary to entitle him to his Discharge.

Rehearing of Order of Discharge.

281. The Order of Discharge shall not be reviewed by the Court unless the Court see good Cause to believe that the Order was obtained on false Evidence, or by reason of the Suppression of Evidence, or otherwise fraudulently; in any of which Cases the Court

Court may, if it think fit, upon the Application of the Trustee, or of any Inspector, or of any Creditor who has proved, and subject to such Deposit for Costs, and to such Notices, by Advertisement or otherwise, as the Court shall think fit, grant a Rehearing of the Matter, and rehear it accordingly; and upon Rehearing the Court shall make such Order as shall seem just, in like Manner as it might upon an original Hearing.

If Order suspended on Rehearing, subsequent Creditors to prove first against subsequent Property.

282. If on such Rehearing the Court shall annul or suspend the Order of Discharge, all Persons having bonâ fide become Creditors of the Bankrupt between the Time of the Order originally taking effect and the Time of its being annulled or suspended on Rehearing shall, as against any Property acquired by the Bankrupt during the same Period, and in priority to the original Creditors, be admitted to prove and have Dividends under the Bankruptcy.

Order, when to be delivered out.

283. The Order of Discharge shall not be delivered out until after the Expiration of the Time allowed for Appeal, or, if an Appeal be brought, until after the Decision of the Court of Appeal upon such Appeal.

Appeal against Decision.

284. At any Time within Thirty Days after any Order of Discharge shall have been allowed or deferred or refused, and subject to such Order as to Deposit of Costs as General Orders shall direct, any Creditor of the Bankrupt, whether he appeared to object to such Discharge before the Court or not, or the Trustee, or the Bankrupt, may apply to the Court of Appeal that such Order of Discharge may be granted, or recalled and delivered up to be cancelled; and such Court may, on good Cause shown, order such Order of Discharge to be granted, or to be recalled and cancelled.

Effect of Discharge.

285. The Order of Discharge shall, upon taking effect, discharge the Bankrupt from all Debts, Claims, or Demands proveable under his Bankruptcy, although he may, after Adjudication, have made any Contract, Promise, or Agreement to pay or perform the same, save as herein otherwise provided; and if thereafter any Action or Suit shall be brought against him for any such Debt, Claim, or Demand, he may plead in general that the Cause of Action accrued before he became bankrupt, or pending Proceedings in Bankruptcy, and may give this Act and the special Matter in Evidence; and the Order of Discharge shall be sufficient Evidence of the Bankruptcy, and the Proceedings precedent to the Order of Discharge.

If Trustee indebted to Bankrupt's Estate become bankrupt, his Discharge shall

286. If any Trustee indebted to the Estate of which he is such Trustee in respect of Money, being Part of the Estate of the Bankrupt, retained or employed by him, become bankrupt, and obtain

not discharge his future Effects in respect of such Debt.

obtain his Discharge, his future Effects (his Tools of Trade, necessary Household Goods, and the necessary Wearing Apparel of himself, his Wife and Children, excepted,) shall remain liable for so much of his Debt to the Estate of which he was Trustee as shall not be paid by Dividends under his Bankruptcy, and for Interest at the Rate of Five per Centum per Annum on the whole Debt.

Effect of Order in case of Partners, &c.

287. The Order of Discharge shall not release or discharge any Person who was a Partner with the Bankrupt at the Time of the Bankruptcy, or was then jointly bound, or had made any joint Contract with him.

Contract or Security with Intent to induce Creditor to forbear Opposition.

288. Any Contract, Covenant, or Security made or given by a Bankrupt or other Person, with, to, or in trust for any Creditor, for securing the Payment of any Money as a Consideration or with Intent to persuade the Creditor to forbear opposing the Order for Discharge, or to forbear to petition for a Rehearing of or to appeal against the same, shall be void, and any Money thereby secured or agreed to be paid shall not be recoverable, and the Party sued on any such Contract or Security may plead in general that the Cause of Action accrued pending Proceedings in Bankruptcy, and may give this Act and the special Matter in Evidence: Provided always, that no such Security, if a negotiable Security, shall be void as against a bonâ fide Holder thereof for Value without Notice of the Consideration for which it was given.

Proviso.

Penalty for obtaining Money, Goods, &c. as an Inducement to forbear Opposition to Discharge.

289. If any Creditor of a Bankrupt shall obtain any Sum of Money, or any Goods, Chattels, or Security for Money, from any Person, as an Inducement for forbearing to oppose the Discharge of such Bankrupt, or to forbear to appeal against or to petition for the Recal of the same, every such Creditor so offending shall forfeit and lose for every such Offence the treble Value or Amount of such Money, Goods, Chattels, or Security so obtained.

Trustee's Discharge.

Proceedings for Trustee's Discharge.

290. After a final Division of the Funds, the Trustee shall call a Meeting of the Creditors, by an Advertisement in the Gazette, to be held not sooner than Twenty-one Days after such Publication, specifying the Time, Place, and Purpose of holding the Meeting, and by Letters addressed by Post to every Creditor who has proved as aforesaid, to consider as to an Application for his Discharge, and at such Meeting he shall lay before the Creditors the Minute Book and Accounts, with a List of unclaimed Dividends, if any, and the Creditors may then declare their Opinion of his Conduct as Trustee, and he shall thereafter transmit the Minute Book to the Comptroller, who shall preserve the same, and make a Report

Report to the Court as to the Conduct of the Trustee, and the Trustee may then apply to the Court, who, on considering the Petition, with the Minutes of the Meeting, and the Report by the Comptroller, and hearing any Creditor, may grant or refuse his Discharge; and a certified Copy of the Order shall forthwith be transmitted by the Registrar to the Comptroller, and shall be entered in the Register of Bankruptcies, and on Discharge being granted the Bond of Security for the Trustee shall be cancelled and delivered up. The Costs of all or any such Proceedings subsequent to the final Division of the Funds may be ordered to be paid in case of Opposition to the Discharge of the Trustee by the Trustee or by any Creditor opposing his Discharge as to the Court may seem fit; and in all Cases in which the Court shall not otherwise order the Costs of the Trustee of all such Proceedings for the Purpose of obtaining his Discharge shall be deemed to be included in and covered by his Commission.

Change from Bankruptcy to Arrangement.

Creditors may resolve that Estate ought to be wound up under Deed of Arrangement, &c.

291. At the First Meeting of Creditors held after Adjudication in manner herein provided, or at any Meeting called for the Purpose, Three Fourths in Number and Value of the Creditors present or represented at such Meeting, being also Three Fourths of the Creditors who have at that Date proved their Debts, may resolve that the Estate ought to be wound up under a Deed of Arrangement, Composition, or otherwise, and that an Application shall be made to the Court to stay Proceedings in the Bankruptcy for such Period as the Court shall think fit, not exceeding Two Months, and on such Resolution being carried it shall not be necessary to elect a Trustee and Inspectors, if such Election shall not have been already made.

Resolution to be reported to the Court.

292. The Registrar, if present, or the Chairman of the Meeting, or the Trustee, if appointed, shall report such Resolution to the Court within Four Days from the Date of such Resolution; and the Bankrupt, or any Creditor nominated in that Behalf by the Meeting, may then apply to the Court that the Proceedings in Bankruptcy may be stayed in the Terms of such Resolution; and the Court, after hearing the Bankrupt or the Creditor so nominated as aforesaid, and such Creditors as may desire to be heard for or against the Resolution, if it shall find that the Resolution was duly carried, and that its Terms are reasonable, and calculated to benefit the general Body of the Creditors under the Estate, shall confirm the same, and make Order accordingly, and in such Order, or in any subsequent Order, shall give such Directions as to the interim Management of the Estate as it shall deem expedient.

Power to Court to confirm.

 293. If

Court to make a Declaration of complete Execution of Deed of Arrangement, and to direct it to be registered; and to annul Bankruptcy.

293. If the Proceedings in Bankruptcy be stayed as herein provided, the Bankrupt, or any Creditor nominated in that Behalf by the Meeting aforesaid, may, at any Time within the Period during which the Proceedings are so stayed, produce to the Court a Deed of Composition or Arrangement, signed by or on behalf of a Majority in Number, representing Three Fourths in Value, computed in like Manner as is herein-before directed for the Purpose of voting for the Election of Trustee, of all the Creditors of the Bankrupt whose Debts, as tendered for or admitted to Proof, shall respectively amount to Ten Pounds and upwards, together with the Declarations of such Creditors tendered in proof of their Debts; and the Court may consider the same, and may examine on Oath the Bankrupt and any of the Creditors who may desire to be heard in support of or in opposition to the Deed, and may make such other Inquiry as it may think necessary; and if the Court shall be satisfied that the Deed has been duly entered into and executed, and that its Terms are reasonable, and calculated to benefit the general Body of the Creditors under the Estate, it may by Order make a Declaration of the complete Execution of the Deed, and shall direct the same to be registered with the Registrar of the Court and a Duplicate or certified Copy thereof to be sent for Registry to the Chief Registrar, and shall also, if it thinks fit, annul the Bankruptcy; and such Deed, on being so registered, shall thereafter be as binding in all respects on any Creditor who has not executed the Deed as if he had executed it: Provided always, that no such Deed shall discharge the Debtor from Debts due to Creditors who have not executed or assented to the same, unless all the Creditors of such Debtor shall receive, either under such Deed, or under such Deed and the Bankruptcy, a Sum equal to a Dividend of at least Six Shillings and Eightpence in the Pound on their respective Debts.

Deed, if so registered, to be binding on Creditors not executing.

Court to have Jurisdiction to entertain Applications of Bankrupt or any Party to the Deed respecting Bankrupt's Estate and Affairs.

294. Either before or after such Order, the Court shall have Jurisdiction to entertain any Application of the Bankrupt, or of any Party to the Deed, or of any Creditor or Person claiming to be a Creditor, or of the Comptroller, respecting the Disclosure, Distribution, Inspection, Conduct, Management, or Winding-up of the Bankrupt's Estate and Affairs, or any Act or Thing relating thereto, or respecting the Execution of any of the Trusts or Provision of the Deed, or the Audit or Examination of the Account of any Trustee or Inspector, or the Taxation or Examination of the Costs or Charges of any Attorney, Solicitor, Accountant, Auctioneer, Broker, or other Person acting or employed under the Deed, or generally for the Decision of any Dispute or Question, and shall in the Exercise of such Jurisdiction have the same Powers over all Persons, whether Parties to the Deed or Creditors or others, as if the Bankruptcy had proceeded, and shall also have Jurisdiction to entertain any

any Application of any such Person as aforesaid respecting any Matter for the Submission whereof to the Court Provision is made by the Deed, or any Matter arising between any of the said Persons, and any other Person appearing and submitting to the Jurisdiction of the Court; and the Court shall determine all Questions arising under the Deed according to the Law and Practice in Bankruptcy, so far as they may be applicable, and on entertaining any such Application shall have Power to make all such Orders as shall seem just, and to enforce all such Orders as in Bankruptcy; and the Comptroller shall have all the Powers in reference to Proceedings or Persons acting under any such Deed as in reference to Proceedings or Trustees in Bankruptcy.

Questions under the Deed to be decided according to Law of Bankruptcy.

295. If the Resolution aforesaid shall not be duly reported, or if the Court shall refuse the Application to stay Proceedings, or if the Deed of Arrangement shall not be duly produced, or if upon its Production the Court shall not think fit to approve thereof, the Bankruptcy shall proceed as though no such Resolution had been passed; and the Court may make all necessary Orders for resuming the Proceedings in Bankruptcy; and the Period of Time which shall have elapsed between the Date of such Resolution and the Date of the Order for resuming Proceedings shall not be reckoned in calculating Periods of Time prescribed by this Act.

Where Bankruptcy to proceed as if no Resolution had been passed.

296. If the Bankruptcy be annulled, as herein provided, the Order annulling the same shall be filed with the Proceedings, and Notice thereof shall be given in the Gazette; and the Trustee, if appointed, shall be entitled to his Discharge in the same Manner as if the Bankruptcy had proceeded.

Where Bankruptcy annulled.

Trust Deeds for Benefit of Creditors.

297. Every Deed or Instrument made or entered into between a Debtor not adjudged bankrupt and his Creditors, or any of them, or a Trustee on their Behalf, relating to the Debts or Liabilities of the Debtor, and his Release therefrom, or the Distribution, Inspection, Management, and Winding-up of his Estate, or any of such Matters, shall be as valid and effectual and binding on all the Creditors of such Debtor as if they were Parties to and had duly executed the same, provided the following Conditions be observed; that is to say,

What Deeds to be valid, and upon what Conditions.

1. A Majority in Number representing Three Fourths in Value of the Creditors of such Debtor whose Debts, after deducting the Value of any Securities held for the same, shall respectively amount to Ten Pounds and upwards shall, before or after the Execution thereof by the Debtor, execute or in Writing assent to or approve of such Deed or Instrument:

Such Debts shall be computed and proved, and the Value of any Securities held for the same shall be deducted, in the same Manner as they would have been computed and proved and deducted respectively for the Purpose of drawing Dividends if the Debtor had been adjudged bankrupt; and for the Purpose of such Proof the Trustee or Trustees under the Deed shall exercise the Powers of a Trustee in Bankruptcy under this Act, and his or their Decisions shall be subject to Appeal in like Manner to the Court of Bankruptcy for the District in which a Petition for Adjudication of Bankruptcy against the Debtor might have been filed:

2. If a Trustee or Trustees be appointed by such Deed or Instrument, such Trustee or Trustees shall, before Registration thereof, execute the same:

3. The Execution of such Deed or Instrument by the Debtor shall be attested by an Attorney or Solicitor:

4. Within Twenty-eight Days from the Day of the Execution of such Deed or Instrument by the Debtor, or within such further Time as the Court last aforesaid shall upon any Application specially made to it within such Period of Twenty-eight Days allow for that Purpose, the same shall be produced and left (having been first duly stamped) at the Office of the Chief Registrar, for the Purpose of being registered:

5. Together with such Deed or Instrument there shall be delivered to the Chief Registrar an Affidavit by the Debtor or some Person able to depose thereto, or a Certificate by the Trustee or Trustees, that a Majority in Number, representing Three Fourths in Value computed as aforesaid, of the Creditors of the Debtor whose Debts amount to Ten Pounds or upwards have in Writing assented to or approved of such Deed or Instrument, and also stating the Amount or Value, so far as ascertained or as can be estimated, of the Property and Credits of the Debtor comprised in such Deed: The written Assent or Approval of the Creditors, together with their Declarations tendered in Proof, shall be delivered to the Registrar and filed by him along with such Affidavit or Certificate:

6. Such Deed or Instrument shall, before Registration, bear the ordinary Stamp Duty, and also an ad valorem Stamp Duty, computed at the Rate of Five Shillings upon every Hundred Pounds or Fraction of a Hundred Pounds of the Amount in Value of the Property so sworn or certified to be comprised in such Deed, but not exceeding a maximum Duty of Two hundred Pounds:

7. Immediately

7. Immediately on the Execution thereof by the Debtor, Possession of all the Property comprised therein, of which the Debtor can give or order Possession, shall be given to the Trustees, without Prejudice, nevertheless, to the Power of the Trustees to employ the Debtor to assist them in the Administration or Management of such Property, if such Employment be consistent with the Terms of the Deed.

Particulars of Deed to be entered by the Chief Registrar.

298. The Date, Names, and Descriptions of the Parties to every such Deed or Instrument, not including the Creditors, together with a short Statement of the Nature and Effect thereof, shall be entered by the Chief Registrar in a Book to be kept exclusively for the Purposes of such Registration. Such Entry shall be made within Forty-eight Hours after the Deed shall have been left with the Chief Registrar as aforesaid, and a Copy of such Entry shall be published in the Gazette within Four Days after the making of such Entry. After such Registration a Duplicate or certified Copy of every such Deed or Instrument shall be filed with the Registrar of the Court for the District in which a Petition for Adjudication in Bankruptcy against the Debtor might have been filed.

Copy of Entry to be published in the Gazette.

Deed to be registered in the Court of Bankruptcy, and in default not to be received in Evidence.

299. Every Deed, Instrument, or Agreement whatsoever, by which a Debtor, not being a Bankrupt, conveys, or covenants or agrees to convey, his Estate and Effects, or the principal Part thereof, for the Benefit of his Creditors, or makes any Arrangement or Agreement with his Creditors, or any Person on their Behalf, for the Distribution, Inspection, Conduct, Management, or Winding-up of his Affairs or Estate, or the Release or Discharge of such Debtor from his Debts or Liabilities, shall, within Twenty-eight Days after the Execution thereof by such Debtor, or within such further Time as the Court for the District in which a Petition for Adjudication in Bankruptcy against the Debtor might have been filed shall allow, be registered in the Office of the Chief Registrar, and in default thereof shall not be received in Evidence for any other Purpose save that of establishing the Commission of an Act of Bankruptcy by such Debtor. After such Registration a Duplicate or certified Copy of every such Deed, Instrument, or Agreement shall be filed with the Registrar of the Court for such District as last aforesaid.

Memorandum of Registration.

300. *Every such Deed, Instrument, or Agreement, before being registered, shall be stamped in the same Manner as if the same had been a Deed or Instrument registered under Sections Two hundred and ninety-seven and Two hundred and ninety-eight of this Act; and the same, on being so registered, shall have a Memorandum thereof written on the Face of such Deed, stating the Day and the*

Hour of the Day at which the same was brought into the Office of the Chief Registrar for Registration.

Jurisdiction of the Court, and Rights and Liabilities of the Parties after Registration of Deed.

301. After the Registration of every or any Deed, Instrument, or Agreement, of which the Registration is required by this Act, the Debtor and Creditors, and Trustees, Parties to such Deed or Instrument, or who have assented thereto or are bound thereby, shall in all Matters relating to the Estate and Effects of such Debtor be subject to the Jurisdiction of the Court for the District in which the Debtor would have been liable to be adjudged bankrupt, and shall respectively have the Benefit of and be liable to all the Provisions of this Act, in the same or like Manner as if the Debtor had been adjudged a Bankrupt, and the Creditors had proved, and the Trustees had been appointed Trustees under such Bankruptcy, or as nearly thereto as may be practicable, having regard to the Nature and Provisions of such Deed, Instrument, or Agreement; and the existing or future Trustees of any such Deed, Instrument, or Agreement, if valid in Law, and the Creditors under the same, shall as between themselves respectively, and as between themselves and the Debtor and against Third Persons, have the same Powers, Rights, and Remedies, with respect to the Debtor and his Estate and Effects, or such Part thereof as may be conveyed or validly agreed to be conveyed by such Deed, Instrument, or Agreement, and the Collection and Recovery of the same, as are possessed or may be used or exercised by Trustees or Creditors with respect to the Bankrupt, or his Acts, Estate and Effects in Bankruptcy, and the Comptroller shall exercise the same Supervision and Powers over the Trustees under such Deed, Instrument, or Agreement as over Trustees in Bankruptcy; and, except where the Deed, Instrument, or Agreement shall expressly provide otherwise, the Court shall determine all Questions arising under it according to the Law and Practice in Bankruptcy, so far as they may be applicable, and shall have Power to make and enforce all such Orders as it would be authorized to do if the Debtor had been adjudged bankrupt, and his Estate were administered in Bankruptcy. Any Trustee acting under any such Deed, Instrument, or Agreement, or the Debtor or any Creditor of the Debtor, whether Party to or assenting to such Deed, Instrument, or Agreement, or not, shall be entitled to make an Application to such Court to declare whether any such Deed, Instrument, or Agreement is valid under this Act, or whether he or any Person who may dispute the Validity thereof is bound by the same, and the Court shall have Power, upon any such Application, to direct Notice thereof to be given to any Person whose Interest may be sought to be affected thereby; and every such Person may appear and be heard thereon, and every Person so appearing, or to whom any such Notice shall have been given by the Direction of the

the Court as aforesaid, shall be bound by the Decision of the Court on such Application; and if the Court shall determine that such Deed, Instrument, or Agreement is invalid, it shall have Power, if it thinks fit, to delay making a Declaration to that Effect for such Time as it shall think fit, in order to allow an Alteration thereof, as herein-after provided. Every Order and Declaration made by the Court under this Section shall be subject to Appeal in the same Manner as any Order made under the ordinary Jurisdiction of such Court in Bankruptcy.

Memorandum of Alteration of Deed referred to in Section may be executed by Majority of Creditors, and approved by Court.

302. It shall be lawful at any Time for a Majority in Number representing Three Fourths in Value of the Creditors of any Debtor who has executed any Deed or Instrument referred to in Section Two hundred and ninety-seven, and who have proved their Debts thereunder, to sign a Memorandum of Alteration of any of the Provisions of such Deed, which Memorandum may also cancel any of such Provisions or add further Provisions, and on such Memorandum being produced to the Court of Bankruptcy having Jurisdiction in respect of such Deed or Instrument, it shall have Power to approve of the same, and on such Approval the Memorandum shall be forthwith registered in the same Manner as the original Deed or Instrument, and it shall then be deemed to form Part of such Deed or Instrument, which shall be read and take effect as altered thereby, and such Memorandum shall have Relation back to the Date and Registration of the original Deed or Instrument, but so, nevertheless, as not to affect or disturb any Right or Title to any Property in the meantime validly acquired by any Person, not being a Party or assenting to such Alteration of the Provisions of such Deed or Instrument, or any Distribution or Disposition of any Part of the Debtor's Estate which may have taken place under the Provisions of such Deed before the Alteration thereof. If any such Memorandum shall affect the Interests of the Debtor, it shall not be approved by the Court unless executed by him in the same Manner as the original Deed.

Debtor's Property not thereafter liable.

303. After Notice shall have been given by such Publication in the Gazette, as herein-before directed, of the Execution and of the filing and Registration of any Deed or Instrument purporting to have been executed and registered under Section Two hundred and ninety-seven of this Act, no Execution, Sequestration, or other Process against the Debtor's Property in respect of any Debt shall be available to any Creditor or Claimant without Leave of the Court: Provided always, that no such Deed or Instrument shall discharge the Debtor from Debts due to Creditors who have not executed or assented to the same, unless it shall comprise the

Debtor's whole Property, Real and Personal, the necessary Wearing Apparel of himself, his Wife and of Children, only excepted, nor unless all the Creditors of such Debtor shall receive a Dividend of at least Six Shillings and Eight-pence in the Pound on the Amount of their respective Debts.

Stay of Proceedings in Bankruptcy after Execution of Deed till Registration.

304. In case any Petition shall be presented for an Adjudication in Bankruptcy against a Debtor after his Execution of such Deed or Instrument, and pending the Time allowed for the Registration of such Deed or Instrument, all Proceedings under such Petition may be stayed, if the Court shall think fit; and in case such Deed or Instrument shall be duly registered as aforesaid, the Petition shall be dismissed.

Provision in case Debtor cannot obtain Assent of requisite Majority of Creditors.

305. If a Debtor cannot obtain the Assent of a Majority in Number representing Three Fourths in Value of his Creditors whose Debts shall respectively amount to Ten Pounds and upwards, by reason of his being unable to ascertain by whom Bills of Exchange, Promissory Notes, or other negotiable Securities accepted, drawn, made, or endorsed by him are holden, or by reason of the Absence of Creditors in a Foreign Country, or other similar Circumstances, it shall be sufficient if he obtain the Consent of a Majority in Number representing Three Fourths in Value of all his other Creditors whose Debts shall respectively amount to Ten Pounds and upwards, to such Deed or Instrument as aforesaid; provided that Notice shall have been inserted by or on behalf of the Debtor in One or more Newspapers published in the County or Place at which he shall have carried on Business immediately prior to the Date of such Deed or Instrument, requiring his Creditors to signify their Assent to or Dissent from such Deed or Instrument by Notice in Writing addressed to the Trustee or Trustees thereof or any Inspector or Inspectors therein named within Fourteen Days from the Insertion of such Notice, and that the Affidavit or Certificate of the Trustee or Trustees shall state the Circumstances of the Case, and the same shall be allowed by the Court, and provided the Deed or Instrument be in such Form as is expressed in Schedule (B a.), which shall vest all the Estate and Effects of the Debtor in the Trustees of such Deed, and provided that all such other Conditions as are herein-before required be duly complied with.

Registers and Returns.

Comptroller to keep Register of Bankruptcies.

306. The Comptroller shall keep a Book, entitled "The Register of Bankruptcies," which may be in the general Form of Schedule (C a.) hereunto annexed, but with such additional Heads as he may find necessary, which Book shall, subject to such Orders as may be made in that Behalf, be open to all Persons concerned, and he shall regularly

regularly enter therein a full Account of all Bankruptcies, in such Form and containing such Details as the Lord Chancellor by General Order shall from Time to Time prescribe.

To superintend annual Returns.

307. The Comptroller shall superintend the annual Returns required by this Act from Trustees, and shall cause all such Returns to be regularly preserved, in such Manner as the Lord Chancellor shall from Time to Time by General Orders direct, and the same shall, subject to General Orders in that Behalf, be at all Times open to the Inspection of all Parties concerned; and the Comptroller shall frame an annual Report to the Lord Chancellor, showing the State of each depending Bankruptcy returned to him, and an Abstract thereof, framed as the Lord Chancellor shall direct, shall be laid before Parliament.

To frame Report.

Trustee to make an annual Return to Comptroller.

308. Each Trustee shall, within Fourteen Days after the Thirty-first Day of October in each Year, send by Post or deliver, free of Expense, to the Comptroller, a Return in the Form of the Schedule (C a.) of every Bankruptcy in which he is Trustee; and any Trustee who fails to make such Return shall be removable from his Office by the Court on the Application of any Creditor or the Comptroller, or subjected to Censure, and Payment of Costs of the Application. Each Trustee or Inspector appointed or acting under a Deed of Arrangement, or Composition, or other Deed for the Benefit of Creditors under this Act, whether in Cases in which Adjudication of Bankruptcy has been made or not, shall also on or within Seven Days after the Thirty-first Day of October in each Year send by Post or deliver to the Comptroller, free of Expense, a Return in a Form to be provided by General Orders of the Proceedings under every such Deed.

Docket Book.

309. The Chief Registrar shall, on any Petition for Adjudication of Bankruptcy being presented to the Court in London, immediately cause the same to be entered in a Book to be kept by him for that Purpose, to be called the General Docket Book (which Book shall be in the Form contained in Schedule (D a.)); and all Petitions filed in the Country Districts shall in like Manner be entered by the respective Registrars thereof in similar Docket Books (One of which shall be kept in each Court). The Registrars acting in the Country shall transmit daily by Post to the Chief Registrar, and also to the Comptroller, Copies of all Entries made by them in their Docket Books, and of all Adjudications made in the respective District Courts, and the Chief Registrar shall immediately on the Receipt thereof cause the same to be entered in the General Docket Book; and when any Petition for Adjudication in any of the Courts, or any Adjudication of Bankruptcy made therein, shall be dismissed

Registrars to transmit Copies of Entries, Adjudications, &c. to Chief Registrar.

or annulled, or when the Time allowed to any Petitioning Creditor for proceeding shall have been extended, or when Proceedings shall be stayed for the Purpose of Arrangement, or when any Declaratory Order shall be made concerning any Deed of Arrangement or Composition or other Deed, Instrument, or Agreement for the Benefit of Creditors, the Registrar of the Court making such Order shall forthwith transmit a certified Copy thereof to the Chief Registrar, who shall cause the same to be minuted in the General Docket Book, and another certified Copy thereof to the Comptroller.

Accountant, Master, &c. to make annual Returns.

310. The Accountant, Comptroller, Taxing Master, Registrars, and Registrars of the County Courts acting in Bankruptcy, shall make to the Chief Registrar, in such Manner and Form as General Orders shall direct, annual Returns of the Business of their respective Offices, and from such Returns the Chief Registrar shall frame a general Return, judicial and financial, as to all Matters within this Act, which shall be laid before Parliament by the Lord Chancellor as early as may be after the Completion thereof; and the Returns to the Chief Registrar shall be kept by him of Record, and shall be open to the Inspection of Persons desirous of inspecting the same, on Payment of the Fee stated in Schedule (C.).

Notices.

What Orders and Notices to be sent by Post.

311. All Orders, Documents, and Notices by this Act or by General Order required to be served on, or sent to, any Person, and not required to be personally served, may be sent by Post addressed to the last known Place of Business or Abode of such Person, subject to such Regulations as to Registration and otherwise as General Orders shall direct.

General Orders as to Advertisements.

312. General Orders respecting the Form and Contents of Notices in the Gazette and otherwise may provide for Notices concerning more Bankruptcies or more Deeds or other Matters than One being comprised in One Advertisement, and may fix the Price to be paid to the Printer of the London Gazette for Advertisements, which Price the said Printer is hereby required to receive as such Payment.

Offences and Criminal Proceedings.

Penalty on Persons guilty of Misdemeanors herein named.

313. After the Commencement of this Act, any Bankrupt who shall do any of the Acts or Things following, with Intent to defraud or defeat the Rights of his Creditors, shall be guilty of a Misdemeanor, and shall be liable, at the Discretion of the Court before which he shall be convicted, to Punishment by Imprisonment for not

not more than Three Years, or to any greater Punishment attached to the Offence by any existing Statute :

1. If he shall not upon the Day fixed for his Examination, and at the Hour appointed, after Notice thereof in Writing, to be served upon him personally or left at his usual or last known Place of Abode or Business, and after the Notice herein directed in the "London Gazette," or if he shall not at the Hour and upon the Day fixed on any Adjournment of his Examination, appear before the Court (having no lawful Impediment allowed by the Court), and sign or subscribe his Examination and his Statement of Affairs :
2. If he shall not upon his Examination fully and truly discover to the best of his Knowledge and Belief all his Property, Real and Personal, inclusive of his Rights and Credits, and how and to whom, and for what Consideration, and when he disposed of, assigned, or transferred any Part thereof, except such Part as has been really and bonâ fide before sold or disposed of in the way of his Trade or Business, if any, or laid out in the ordinary Expense of his Family, or shall not deliver up to the Court, or dispose as the Court directs of all such Part thereof as is in his Possession, Custody, or Power, except the necessary Wearing Apparel of himself, his Wife and Children, and deliver up to the Court all Books, Papers, and Writings in his Possession, Custody, or Power relating to his Property or Affairs :
3. If he shall, after Adjudication, or within Twelve Months prior to Adjudication, with Intent to defraud his Creditors, remove, conceal, or embezzle any Part of his Property to the Value of Ten Pounds or upwards :
4. If, in case of any Person having to his Knowledge or Belief proved a false Debt under his Bankruptcy, he shall fail to disclose the same to the Trustee within One Month after coming to the Knowledge or Belief thereof :
5. If he shall, with Intent to defraud, wilfully and fraudulently omit from his Statement of Affairs any Effects or Property whatsoever :
6. If he shall, after the filing of the Petition for Adjudication, or the issuing of any Summons on which Adjudication may have been made, with Intent to conceal the State of his Affairs, or to defeat the Object of the Law of Bankruptcy, conceal, prevent, or withhold the Production of any Book, Deed, Paper, or Writing relating to his Property, Dealings, or Affairs :
7. If he shall, after, or within Twelve Months next before Adjudication, with Intent to conceal the State of his Affairs, or to defeat the Objects of the Law of Bankruptcy, part with,

conceal, destroy, alter, mutilate, or falsify, or cause to be concealed, destroyed, altered, mutilated, or falsified, any Paper, Writing, or Security, or Document relating to his Property, Trade, Dealings, or Affairs, or make or be privy to the making of any false or fraudulent Entry or Statement in or Omission from any Book, Paper, Document, or Writing relating thereto :

8. If, within the like Time, he shall, knowing that he is at the Time unable to meet his Engagements, fraudulently and with Intent to diminish the Sum to be divided amongst the general Body of his Creditors, have made away with, mortgaged, encumbered, or charged any Part of his Property, of what Kind soever, or if after Adjudication he shall conceal from the Court or the Trustee any Debt due to or from him :

9. If, being a Trader, he shall, under his Bankruptcy, or at any Meeting of his Creditors within Twelve Months next preceding Adjudication, have attempted to account for any of his Property by fictitious Losses or Expenses :

10. If, being a Trader, he shall, within Twelve Months next before Adjudication, under the false Colour and Pretence of carrying on Business and dealing in the ordinary Course of Trade, have obtained on Credit from any Person any Goods or Chattels with Intent to defraud :

11. If, being a Trader, he shall, with Intent to defraud his Creditors, within Twelve Months next before Adjudication, pawn, pledge, or dispose of, otherwise than by bonâ fide Transactions in the ordinary Way of his Trade, any of his Goods or Chattels which have been obtained on Credit and remain unpaid for.

Jurisdiction and Powers of Commissioners in proceeding in respect of Bankrupt guilty of any Offences hereinbefore named.

314. If it shall at any Time appear to any Court under this Act that the Bankrupt has been guilty of any of the Offences in the next preceding Section set forth, such Court shall have and may exercise such Jurisdiction, Rights, Powers, and Privileges, for the summoning, apprehending, committing, remanding, bailing, and otherwise proceeding in respect of such Bankrupt, as are exercised by and vested in Her Majesty's Justices of the Peace in respect of Persons against whom a Charge or Complaint shall have been made before any One or more of the said Justices in respect of any Felony or indictable Misdemeanor committed within the Limits of the Jurisdiction of such Justice or Justices; and all the Provisions of the Act of the Session of Parliament of the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter Forty-two, shall, with such Variations as

Provisions of 11 & 12 Vict. c. 42. extended to this Act.

as the Nature of the Case may require, extend and apply to the Court, and to the Commissioners of the London and other District Courts of Bankruptcy, and to the Judges of the County Courts acting in Matters under this Act, and their Proceedings, as well as to Justices of the Peace and their Proceedings.

Creditor or Court may appoint Prosecution.

315. The Creditors at any Meeting, or the Court, may direct that the Trustee or any of the Creditors of the Bankrupt shall act as the Prosecutor of the Bankrupt alone or of the Bankrupt jointly with any other Persons or Person in respect of any such Offence, and if the Court shall so direct it shall give to such Trustee or Creditor a Certificate of the Court having so directed, which Certificate shall be deemed sufficient Proof of such Prosecution having been directed as aforesaid; and upon the Production of such Certificate the Costs of such Prosecution shall be allowed by the Court before which any Person shall be prosecuted or tried in pursuance of such Direction, unless such last-mentioned Court shall specially otherwise direct, and when allowed by any such Court such Sum so allowed shall be ordered by the said Court to be paid and borne in all respects in the same Manner as the Expenses of Prosecutions for Felonies are now paid and borne, and the same shall be paid and borne accordingly; and any Expenses incurred by such Prosecutor, other than those so defrayed, shall be paid out of the Funds standing to the Account intituled "The Chief Registrar's Account."

Costs of Prosecution.

Power to direct Reference to Attorney General.

316. The Creditors at any Meeting, or the Comptroller, or the Court, may direct the Trustee or any Creditor to lay the Papers before the Attorney General (or the Solicitor General during a Vacancy in the Office of Attorney General) for his Direction thereon, either while the Bankruptcy is pending before the Court or when it has been brought to a Conclusion.

False Declaration a Misdemeanor.

317. Any Person who wilfully and corruptly makes any Declaration for Proof of Debt, knowing the same, or the Statement of Account to which the same shall be appended, to be untrue in any material Particular, shall be deemed guilty of a Misdemeanor, and shall be liable to undergo the Pains and Penalties imposed upon Persons guilty of wilful and corrupt Perjury.

False Evidence.

318. Any Bankrupt or Bankrupt's Wife or any other Person who shall, upon any Examination upon Oath or Affirmation authorized or directed by this Act, or in any Affidavit or Deposition or solemn Affirmation so authorized or directed, wilfully and corruptly give false Evidence, or wilfully and corruptly swear or affirm

affirm anything which shall be false, being convicted thereof, shall be liable to the Penalties of wilful and corrupt Perjury.

Inserting Advertisements without Authority.

319. Any Person who shall insert or cause to be inserted in the London Gazette, or in any Newspaper, any Advertisement under this Act, without Authority, or knowing the same to be false in any material Particular, shall be guilty of a Misdemeanor.

Forging Signature of Commissioner or Officer or Seal of Court, &c., Felony.

320. If any Person shall forge the Signature of any Commissioner, Registrar, or of the Taxing Master or other Officer of the Court, or shall forge or counterfeit the Seal of the Courts, or knowingly concur in using any such forged or counterfeit Signature or Seal, for the Purpose of authenticating any Proceeding or Document, or shall tender in Evidence any such Proceeding or Document with a false or counterfeit Signature of any such Commissioner, Registrar, Master, or other Officer, or a false or counterfeit Seal of the Court, subscribed or attached thereto, knowing such Signature or Seal to be false or counterfeit, every such Person shall be guilty of Felony, and shall be liable to the same Punishment as any Offender under the Act of the Session of Parliament of the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter One hundred and thirteen.

Indictment.

321. In any Indictment or Information for any Misdemeanor under this Act it shall be sufficient to set forth the Substance of the Offence charged, without alleging or setting forth any Debt, Act of Bankruptcy, Petition, or Adjudication, or any Summons, Warrant, Order, Rule, or Proceeding of or in any Court acting under this Act.

Gaoler suffering Persons committed to escape, &c.

322. If any Keeper of any Prison or any Gaoler to whose Custody any Bankrupt or other Person shall be duly committed shall refuse to receive such Bankrupt or other Person, or shall wilfully or negligently suffer him to escape, every such Keeper or Gaoler shall forfeit Five hundred Pounds.

Appropriation of Forfeitures.

323. All Sums of Money forfeited under this Act, or by virtue of any Conviction for Perjury committed in any Oath, Affirmation, or Declaration thereby directed or authorized, may be sued for by the Trustee of the Estate and Effects of any Bankrupt connected therewith or interested therein in any of Her Majesty's Superior Courts of Record, and the Money so recovered (the Charges of Suit being deducted) shall be applied as Part of the Assets of the Bankrupt's Estates, after Exhaustion of the other Assets, and any Surplus thereof, after Payment of the Creditors in full, shall be paid over to the

the Bank of England, to the Credit of the Account intituled "The Chief Registrar's Account."

Power for Court to commit Persons wilfully disobeying any Rule or Order of the Court.

324. If any Person shall wilfully disobey any Rule or Order of the Court, duly made for enforcing any of the Purposes and Provisions of this Act, the Court may, by Warrant in the Form contained in Schedule (E a.), commit the Person so offending to the Queen's Prison, or to the Common Gaol of any County, City, or Place where he shall be found or where he shall usually reside, there to remain, without Bail or Mainprise, until such Court, or the Court of Appeal, shall make Order to the contrary.

Sections 114, 115, 116, and 117 of 9 & 10 Vict. c. 95. to apply to Officers acting in execution of Warrants or Orders of the Courts.

325. The several Provisions contained in the One hundred and fourteenth, One hundred and fifteenth, One hundred and sixteenth and One hundred and seventeenth Sections of the Act passed in the Ninth and Tenth Years of Her Majesty, Chapter Ninety-five, shall apply to all Officers of the Court and of the County Courts sitting in Bankruptcy, who act in execution of Warrants and Orders of such Courts, as if these several Sections had been enacted hereby.

Definition and Explanation of Terms.

Definition of Terms, &c.

326. The Terms and Words herein-after enumerated or explained, wheresoever occurring in this Act, shall be understood as herein-after defined or explained, unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Definition or Explanation; that is to say,

"Annulling:"

"Annulling" shall mean also "superseding:"

"Bank of England:"

"Bank of England" shall mean also all Branches or Agents thereof:

"Bankrupt:"

"Bankrupt" shall mean any Person adjudicated bankrupt by any Court under the Provisions of this Act:

"Bankruptcy."

"Bankruptcy," when referred to as an Event from or to which any Time is to be reckoned, shall be deemed to have taken place at the Date of the Presentation of the Petition for Adjudication, if Adjudication has been made upon Petition; and if Adjudication has been otherwise made, then at the Date of such Adjudication, or at such earlier Date (if any) to which the same shall have relation, under the Provisions of this Act.

"Commissioner, &c.:"

"Commissioner," and "Commissioner of the Court of Bankruptcy," shall include the Judge of any County Court entitled to act in Bankruptcy under this Act, and shall include Registrar, when acting as Commissioner:

"Court:" "Court," shall mean the Court of Bankruptcy in London, or in any Country District, or any County Court, acting under this Act, and in which the Petition of Adjudication or the Bankruptcy referred to is being prosecuted, according as such several Constructions shall be consistent with the Context, and shall include the Registrar in Bankruptcy when acting as the Commissioner of Bankruptcy:

"Comptroller:" "Comptroller" shall mean the Comptroller in Bankruptcy appointed by this Act:

"Court of Appeal:" "Court of Appeal" shall mean the Court of Appeal in Chancery sitting in Bankruptcy:

"Creditor:" "Creditor" shall mean also any Two or more Persons being Partners, and incorporated and Joint Stock Companies:

"Creditors present at any Meeting:" "Creditors present at any Meeting" shall include Creditors who are represented by some Person duly authorized by any such Creditor in Writing, and such Authority shall not require a Stamp:

"Gaoler:" "Gaoler" shall include the Keeper or Governor of any Gaol or Prison:

"Gazette:" "Gazette" shall mean "London Gazette:"

"Metropolitan District:" "Metropolitan District" shall mean the District in the Jurisdiction of the several County Courts enumerated in the Act passed in the Nineteenth and Twentieth Year of the Reign of Her Majesty, Chapter One hundred and eight, Section Eighteen:

"Payment" and "to pay:" "Payment" and "to pay" shall include the Tender of Payment or compounding or giving Security to the Satisfaction of the Creditor:

"Petition for Adjudication of Bankruptcy:" "Petition for Adjudication" or "Petition in Bankruptcy" shall mean any Petition against a Debtor for Adjudication of Bankruptcy, and shall include a Judgment Debtor Summons, after Adjudication is made thereon, and the Date of filing a Petition for Adjudication shall be held to signify also the Date of issuing a Judgment Debtor Summons, when Adjudication is made thereunder:

"Petitioning Creditor:" "Petitioning Creditor" shall mean the Creditor who filed the Petition for Adjudication, or sued out a Judgment Debtor Summons:

"Property:" "Property" shall mean and include all the Real and Personal Estate and Effects of the Petitioner or Bankrupt within this Realm or abroad, and all the future Estate, Right, Title, Interest, and Trust of such Petitioner or Bankrupt in or to any Real or Personal Estate and Effects within this Realm or abroad,

abroad, which may revert, descend, be devised or bequeathed or come to him, and all Debts due or to be due to him, before he shall have obtained his Discharge:

"Prisoner" shall mean any Person in actual Custody within any Gaol or Prison in England under any Order, Writ, Warrant, Commitment, or Sentence: "Prisoner:"

"Schedule" shall signify Schedule annexed to this Act, and when providing any Form it shall be held to signify also any Form to the like Effect: "Schedule:"

"Sheriff" shall include Sheriff Substitute: "Sheriff:"

"Suit" shall include Action at Law and Suit at Equity or other Proceeding: "Suit:"

"Trader" shall include Alum-makers, Apothecaries, Auctioneers, Bankers, Bleachers, Brokers, Brickmakers, Builders, Calenderers, Carpenters, Carriers, Cattle or Sheep Salesmen, Coach Proprietors, Cowkeepers, Dyers, Fullers, Keepers of Inns, Taverns, Hotels, or Coffee Houses, Limeburners, Livery Stable Keepers, Market Gardeners, Millers, Packers, Printers, Shipowners, Shipwrights, Victuallers, Warehousemen, Wharfingers, Persons using the Trade or Profession of a Scrivener receiving other Men's Monies or Estates into their Trust or Custody, Persons insuring Ships or their Freight or other Matters against Perils of the Sea, and all Persons using the Trade of Merchandise by way of bargaining, Exchange, bartering, Commission, Consignment, or otherwise, in gross or by retail, and all Persons who, either for themselves or as Agents or Factors for others, seek their Living by buying and selling, or by buying and letting for Hire, or by the Workmanship of Goods or Commodities, whether such Persons have Privilege of Parliament or not: Provided that no Farmer, Grazier, common Labourer, or Workman for Hire, Receiver General of the Taxes, or Member of or Subscriber to any incorporated Commercial or Trading Company established by Charter or Act of Parliament, shall be deemed as such a Trader under this Act: "Trader:"

"Trustee" shall mean the Trustee elected by the Creditors and confirmed by the Court, and shall include Interim Receiver, when appointed, in so far as such Interim Receiver shall exercise any Powers given to the Trustee in this Act: "Trustee:"

"United Kingdom" shall mean the United Kingdom of Great Britain and Ireland; and shall include the Isle of Man and the Channel Islands: "United Kingdom:"

In all Cases in which any particular Number of Days is prescribed by this Act, or shall be mentioned in any Rule or Order of Court which shall at any Time be made under this Act, for the "Computation of Time."

doing of any Act, or for any other Purpose, the same shall be reckoned, in the Absence of any Expression to the contrary, exclusive of the first and inclusive of the last Day, unless the last Day shall happen to fall on a Sunday, Christmas Day, Good Friday, Monday and Tuesday in Easter Week, or a Day appointed for a Public Fast or Thanksgiving, in which Case the Time shall be reckoned exclusive of that Day also. When anything is directed to be done on a certain Day it shall be done on the following Day, if the Day fixed shall happen to be One of the Days above excepted.

Want of Form when not to invalidate Proceedings.

327. No Rule, Order, Warrant, or other Proceeding or Document required by this Act to be in a Form given in the Schedules to this Act, or to be given by any General Order, shall be invalidated by reason of any Want of Form or Omission therein, if such Want of Form or Omission shall not, in the Opinion of the Court before which the same shall be brought, be calculated to mislead or prejudicially affect any Party. Any Form contained in any of the Schedules to this Act may be altered from Time to Time by General Orders as may be found expedient.

Forms in Schedules may be altered by General Orders.

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SCHEDULES.

SCHEDULE (A.)

Acts and Parts of Acts repealed.

Date of Act.	Title.	Extent of Repeal.
1 & 2 Geo. 4. c. 115.	An Act to repeal so much of an Act of the Fifth Year of His late Majesty King George the Second, relating to Bankrupts, as requires the Meetings under Commissions of Bankrupts to be holden in the Guildhall of the City of London, and for building Offices in the said City for the Meetings of Commissioners, and for the more regular Transaction of Business in Bankruptcy.	The whole.
1 & 2 W. 4. c. 56.	An Act to establish a Court of Bankruptcy.	The whole.
5 & 6 W. 4. c. 29.	An Act for investing in Government Securities a Portion of the Cash lying unemployed in the Bank of England belonging to Bankrupts Estates, &c.	The whole.
5 & 6 Vict. c. 122.	An Act for the Amendment of the Law of Bankruptcy.	The whole.
7 & 8 Vict. c. 70.	An Act for facilitating Arrangements between Debtor and Creditor.	The whole.
7 & 8 Vict. c. 96.	An Act to amend the Laws of Bankruptcy, Insolvency, and Execution.	Sections 1 to 56, both inclusive.
10 & 11 Vict. c. 102.	An Act to abolish the Court of Review in Bankruptcy, and to make Alterations in the Jurisdiction of the Court of Bankruptcy and Court for Relief of Insolvent Debtors.	The whole.
12 & 13 Vict. c. 106.	An Act to amend and consolidate the Laws relating to Bankrupts.	The whole.
15 & 16 Vict. c. 77.	An Act to abolish the Office of Lord Chancellor's Chief Secretary of Bankrupts, and to regulate the Office of Chief Registrar of the Court of Bankruptcy.	The whole.
17 & 18 Vict. c. 119.	An Act for regulating Appointments to Offices in the Court of Bankruptcy, and for amending the Laws relating to Bankrupts.	The whole.

Date of Act.	Title.	Extent of Repeal.
23 & 24 Vict. c. 147.	An Act to amend the Seventh and Eighth Victoria, Chapter Seventy.	The whole.
24 & 25 Vict. c. 134.	An Act to amend the Law relating to Bankruptcy and Insolvency in England.	The whole.
25 & 26 Vict. c. 99.	An Act to amend the Bankruptcy Act, 1861.	The whole.

SCHEDULE (B.)

To the Persons filling the under-mentioned Offices in the Court of Bankruptcy, the following Salaries shall be payable:—

	£
The Commissioners in London, each - - -	2,000
The Commissioners in the Country, each - -	1,800
The Chief Registrar - - - - -	1,400
The Registrars acting in London, each - -	1,200
The Registrars acting in the Country, each -	1,000
The Taxing Master - - - -	1,400
The Accountant in Bankruptcy - - -	1,500
The Comptroller in Bankruptcy - - -	1,400

The Officers and Clerks of the late Court for the Relief of Insolvent Debtors, and the Subordinate Officers and Clerks in the several Offices of the Accountant in Bankruptcy, the Chief Registrar, and the Taxing Master, respectively, the Ushers of the Court, the Clerk and Trainbearer, Ushers, and Assistant Ushers of the Lords Justices of the Court of Appeal in Bankruptcy, shall continue to receive the same Salaries, and out of the same Funds, as if this Act had not been passed, subject to any Power of altering such Salaries as to any of such Officers or Clerks as is or may be vested in the Lord Chancellor under this Act.

The Persons holding Offices intended by this Act to be abolished, and their Clerks, shall receive the Salaries heretofore payable to them, until they shall be relieved of their Duties by Order of the Lord Chancellor.

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SCHEDULE (C.)

DOCUMENT.	Stamp Duty in lieu of Fees.
	£ s. d.
Every Petition presented to a Court of Bankruptcy or County Court for Adjudication of Bankruptcy	0 10 0
Every Order of Discharge - - -	0 5 0
Every Declaration of Insolvency - - -	0 2 6
Every Registration of Trust Deeds - -	0 10 0
Every Summons of Judgment Debtor or Trader Debtor - - - - - -	0 2 6
Every Admission of such Debtor - - -	0 2 6
Every Deposition of good Defence - -	0 2 6
Every Bond with Sureties - - -	0 5 0
Every Application for Search for Petition or other Proceeding - - - - - -	0 1 0
Every Application to the Court for any Meeting, Sitting, or any other Purpose - - -	0 5 0
Every Minute or Certificate of the Attendance of a Registrar at any Meeting - - - -	1 1 0
Every Allocatur by any Officer of the Court for any Costs, Charges, or Disbursements,—where such Bill of Costs shall not exceed £5 - -	0 1 6
Exceeding £5 and not exceeding £10 -	0 2 6
„ 10 „ - 20 -	0 5 0
„ 20 „ - 30 -	0 7 6
„ 30 „ - 50 -	0 10 0
„ 50 „ - 100 -	0 15 0
„ 100 „ - 150 -	1 0 0
„ 150 „ - 200 -	1 10 0
„ 200 „ - 300 -	2 0 0
„ 300 „ - 500 -	3 0 0
„ 500 - - - -	5 0 0

SCHEDULE (D.)

THE BANKRUPTCY ACT, 1866.

Declaration of Insolvency by Debtor.

I the undersigned *E.F.*, of , do hereby declare, That I am unable to meet my Engagements with my Creditors.

Dated at the Hour of [in the Forenoon, *or* at Noon, *or* in the Afternoon, *as the Case may be,*] this Day of in the Year of our Lord

(Signed) *E.F.*

Witness,
G.H., Registrar of the Court of Bankruptcy,
[*or*, Attorney or Solicitor of the Court of .]

SCHEDULE (E.)

THE BANKRUPTCY ACT, 1866.

Affidavit for summoning a Trader Debtor.

A.B. of and *C.D.* of severally make Oath and say; and first this Deponent *A.B.* for himself saith, that *E.F.* is justly and truly indebted to this Deponent in the Sum of [*the Amount of the Debt*] for, *&c.* [*stating the Nature of the Debt with Certainty and Precision*]; and this Deponent further saith, that the said *E.F.*, as this Deponent verily believes, is a Trader within the Meaning of the Law of Bankruptcy, and resides at and that an Account in Writing of the Particulars of the Demand of the said *A.B.*, amounting to the said Sum of [*the Amount of the Debt*], with a Notice thereunder written in the Form prescribed by "The Bankrupt Law Consolidation Act, 1849," requiring immediate Payment of the said Debt, is hereunto annexed; and this Deponent *C.D.* for himself saith, that he did, on the Day of instant [*or* last], personally [*or otherwise, according to the Fact,*] serve the said *E.F.* with a true Copy of the said Account and Notice.

Sworn, *&c.*

SCHEDULE (F.)

THE BANKRUPTCY ACT, 1866.

Particulars of Demand, and Notice requiring Payment.

To *E.F.* of

The following are the Particulars of the Demand of the undersigned *A.B.* of against you the said *E.F.*, amounting to the Sum of [*the Amount of the Debt. Then copy the Account.*]

Take

Take notice, That I the said *A.B.* hereby require immediate Payment of the said Sum of . Dated this Day of in the Year of our Lord

(Signed) *A.B.*

SCHEDULE (G.)

The Bankruptcy Act, 1866.

Summons of Trader Debtor.

These are to will and require you to whom this Warrant is directed personally to appear before the Court of Bankruptcy in Basinghall Street in the City of London [*or* at in the County of] on the Day of at o'Clock; and you are hereby informed that the Purpose for which you are thus summoned to appear before the said Court is to ascertain, in Manner and Form prescribed by "The Bankruptcy Act, 1866," whether or not you admit the Demand of *A.B.* of (who claims of you the Sum of [*state the Amount*] for a Debt), or any and what Part thereof, or whether you verily believe that you have a good Defence upon the Merits to the said Demand, or to any and what Part thereof; and hereof you are not to fail at your Peril.

Given under my Hand, the Day of in the Year of our Lord

(Signed) *C.D.*,

(Seal.) Registrar.

SCHEDULE (H.)

The Bankruptcy Act, 1866.

Admission of Debt by Trader Debtor.

Court of Bankruptcy, Basinghall Street, London,
(*or* at in the County of)
Day of A.D.

Whereas I the undersigned *E.F.* of am summoned to appear before this Honourable Court for the Purpose of stating in manner prescribed by "The Bankruptcy Act, 1866," whether or not I admit the Demand of *A.B.* of (who claims of me the said *E.F.* the Sum of [*the Amount*] for a Debt), or any and what Part thereof; or whether I verily believe that I have a good Defence upon the Merits to the said Demand, or to any and what Part thereof: Be it known, That I the said *E.F.* hereby admit that I am indebted to the said *A.B.* in the said Sum of [*or* in Part of the said Sum of , that is to say, in the Sum of .]

(Signed) *E.F.*

SCHEDULE (I.)

THE BANKRUPTCY ACT, 1866.

Deposition by Trader Debtor that he has good Answer to Creditor's Demand, or some Part thereof.

Court of Bankruptcy, Basinghall Street, London,
(*or* at in the County of)
Day of A.D.

E.F. being sworn on the Day and Year and at the Place aforesaid, upon his Oath saith, That he verily believes he has a good Defence upon the Merits to the Demand [*or* to Part of the Demand] hereinafter mentioned of *A.B.* of who claims of the said *E.F.* the Sum of for a Debt alleged to be due and owing from the said *E.F.* to the said *A.B.*, as stated in the Affidavit of the said *A.B.*, filed in this Honourable Court, and bearing Date the Day of .

Sworn before me,

J.K., Commissioner. (Signed) *E.F.*

SCHEDULE (K.)

Form of Bond to pay admitted Demand.

Know all Men by these Presents, That we, *G.H.*, *I.K.*, and *E.F.*, are jointly and severally held and firmly bound to *A.B.* in the Sum of to be paid to him, his Executors, Administrators, or Assigns, for which Payment to be made we jointly and severally bind ourselves, our Heirs, Executors, and Administrators.

Dated this Day of in the Year of our Lord 186 .

(L.S.)
(L.S.)
(L.S.)

Whereas the said *E.F.*, after being duly summoned to appear in Her Majesty's Court of Bankruptcy, for the Purpose of stating whether or not he admits a certain Demand of the said *A.B.* amounting to the Sum of or any and what Part thereof, or whether he verily believes that he hath a good Defence upon the Merits to the said Demand, or to any and what Part thereof, hath deposed upon Oath [*or* Affirmation, *as the Case may be,*] that he verily believes that he the said *E.F.* hath a good Defence upon the Merits to the said Demand [*or* to , Part of the said Demand]: *And whereas an Action of Debt [*or as the Case may be*], wherein the said *A.B.* is Plaintiff and the said *E.F.* is Defendant, is now depending in [*Name of Court in which the Action is depending*] for the Recovery of the said Demand [*or* last-mentioned Sum, *as the Case may be*]: Now, therefore, the Condition of this Obligation is such, that if the said *A.B.* shall on Demand pay to the said *A.B.*, or his Attorney or Agent, such Sum as shall be recovered by, together with such Costs as shall be given to, the said *E.F.* in such Action, this Obligation

tion shall be void and of no Effect, but otherwise shall be and remain in full force and virtue. [*Or if an Action has not been already brought, insert, instead of the Paragraph following the *, these Words:* Now, therefore, the Condition of this Obligation is such, that if the said *E.F.* shall, on Demand pay or cause to be paid to the said *A.B.*, his Attorney or Agent, such Sum or Sums as shall be recovered by, together with such Costs as shall be given to, the said *A.B.* in any Action which shall hereafter be brought for the Recovery of the said Demand [*or* last-mentioned Sum, *as the Case may require*], this Obligation shall be void and of no Effect, but otherwise shall be and remain of full force and virtue.

SCHEDULE (L.)

The Bankruptcy Act, 1866.

Admission of Debt by Trader Debtor signed out of Court.

I, the undersigned *E.F.*, of do hereby confess, That I am indebted to *A.B.* of in the Sum of .

(Signed) *E.F.*

Dated this Day of A.D.

Witness,
G.H., Attorney for the said *E.F.*, and subscribing Witness to the Execution hereof as such Attorney.

SCHEDULE (M.)

The Bankruptcy Act, 1866.

Petition by a Creditor for Adjudication of Bankruptcy.

To the Court of Bankruptcy for the District.
[*or if the Debt is under Fifty Pounds*]
To the County Court for the District.

The humble Petition of *A.B.* of

Showeth,

That *E.F.* of being [*or* not being, *as the Case may be*], a Trader, and having resided [*or* carried on Business, *as the Case may be*,] for Six [*or* for the longest Period, that is to say, Months during Six] Calendar Months immediately preceding the Date of this Petition within the District of this Honourable Court, that is to say, at [*insert the Name of the Place*], is indebted to your Petitioner in the Sum of Pounds, [*as the*

the Case may be,] and that your Petitioner has been informed and believes that the said *E.F.* did lately commit an Act of Bankruptcy.

Your Petitioner therefore humbly prays, that on Proof of the Requisites in that Behalf, Adjudication of Bankruptcy may be made against the said

And your Petitioner shall ever pray, &c.

Signed by the Petitioner on the
Day of 186 .

If the Petition be by Partners, alter the Form accordingly, and let it be signed by One on behalf of himself and Partners.

If the Petition be by several, not being Partners, then it must be signed by each, and in such Case the Names of the several Petitioners should be stated in the Attestation or Attestations relating thereto respectively.

If the Petitioner cannot speak to the Place of Residence or Business of the Debtor, strike out the Averment as to that, and annex to the Petition a separate Affidavit of some Person who can depose to the Fact.

If the Petition be against Partners, alter the Form accordingly.

SCHEDULE (N.)

The Bankruptcy Act, 1866.

Affidavit of Debt.

I, *A.B.* of make Oath and say:—

First, That *E.F.* of is indebted to me in the Sum of Pounds computed in the Manner directed in the Bankruptcy Act, 1866, for the Purpose of a Petition for Adjudication of Bankruptcy.

Second, That I am the Petitioner named in the Petition hereunto annexed, and that the several Allegations in the said Petition are true.

[*If the Affidavit is not for the Purpose of verifying the Allegations in a Petition for Adjudication, substitute for the Second Paragraph the following:*]

Second, That a Petition for Adjudication of Bankruptcy was on the Day of filed in the Court of Bankruptcy at [*or* in the County Court of] [*or*, That a Judgment Debtor Summons was on the Day of issued out of the Court of Bankruptcy at] against the said *E.F.* by *C.D.* of

Sworn by
at

If the Petition is by or against a Partnership, or if a Declaration is made instead of an Affidavit, alter the Form accordingly.

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SCHEDULE (O.)

The Bankruptcy Act, 1866.

Affidavits for summoning a Judgment Debtor.

In the Court of Bankruptcy, London.

(*Or*, "In the Court of Bankruptcy for the District, at .")

I *A.B.* of make Oath and say as follows:—

First, I say that *E.F.* is indebted to me in the Sum of £ upon and by virtue of a Judgment of the Court of for the said Sum of £ recovered by me against the said *C.D.* on the (*a*) Day of last past, and of which said Sum the Sum of £ exclusive of Costs, is due to me, and the Sum of £ for taxed Costs is due to me, making together the said Sum of £ (*b*)

Second, I say that I verily believe that I am entitled to sue out against the said *E.F.* a Writ of Fieri facias in respect of the said Debt.

Third, (*c*) I say that I have known the said *E.F.* for the Space of now last past, during which Time the said *E.F.* did use and exercise the said Trade of [*here insert the particular Trade*], and sought to get his Livelihood thereby, as others of the same Trade usually do.

Fourth, (*d*) I say that the said *E.F.* usually lives [*or*, "as I am informed and believe, now is,"] within the District of this Honourable Court, that is to say, at , [*or* "as I am informed and believe, is not in England," but I say that the usual or last known Place of Abode of the said *E.F.* in England was at .]

Sworn at, &c.

(*a*) The Day of signing final Judgment.

(*b*) If the Sum is exclusive of Costs, or consists of Costs only, alter the statement accordingly.

(*c*) If the Summons be not applied for until after the Expiration of One Calendar Month from the signing of Judgment, this Paragraph may be omitted.

(*d*) If the Residence or the Trading be sworn to by some other Person, alter the Affidavit accordingly.

The following Form to be used in Cases of Disobedience to Decree in Equity or Order in Bankruptcy, Insolvency, or Lunacy.

In the Court of Bankruptcy, London.

(*Or* "In the Court of Bankruptcy for the District, at .")

We *A.B.* of and *C.D.* of severally make Oath and say:—

First, I *A.B.* for myself say that *E.F.* is indebted to me in the Sum of £ upon and by virtue of a Decree of the High Court of Chancery [*or* "an Order of the Lord High Chancellor," *or* "of the Right Honourable the Master of the Rolls," *or* of "his Honour Vice-Chancellor " &c., &c., bearing Date the Day of and made in a certain Suit then pending, wherein I the said *A.B.* was Plaintiff and the said *E.F.* Defendant, [*or* in a certain Matter in Bankruptcy or Lunacy,] whereby the said *E.F.* was decreed [*or* "ordered"] to pay to me the Sum of £ exclusive of Costs, and the Sum of £ for taxed Costs [*give the Substance of the Decree or Order*], making together the said Sum of £ and upon which a peremptory Order made by the said Lord Chancellor, [*or*, &c.,] was obtained by me on the Day of directing, *&c., as in the peremptory Order* [*Paragraphs as to the Trading and Residence deposed to by the Creditor or some other Person, here follow. If the Summons be not applied for until after the Expiration of*

Two Calendar Months after Service on the Debtor of the peremptory Order' or, such Order having been duly served after the Expiration of Seven Days after the Day fixed by the peremptory Order for Payment (which shall last happen), the Paragraph as to the Trading may be omitted.

Second, I, *C.D.* for myself say, that I did on the Day of duly serve the said *E.F.* with a true Copy of the said Decree [*or* "Order"], by delivering to or leaving the same with the Solicitor [*or* "a Clerk of the Solicitor"] of the said *E.F.* at his Office at

Third, I, *C.D.* further say that I did on the Day of personally serve the said *E.F.* with a true Copy of the said peremptory Order.

Fourth, I, *A.B.* further say that the said *E.F.* has not paid, or secured, or tendered, or compounded for the said Debt, but the said Debt still remains wholly due and unpaid.

Sworn by , at

SCHEDULE (P.)

The Bankruptcy Act, 1866.

Summons of Judgment Debtor.

These are to will and require you to whom this Summons is directed personally to be and appear before the Commissioner in attendance in Chambers at the Court of Bankruptcy in Basinghall Street in the City of London [*or* at the Court of Bankruptcy for the District at in the County of] on the Day of at o'Clock, to be examined respecting your Ability to satisfy a Debt of £ , claimed of you by *A.B.* of (*a*) upon and by virtue of a Judgment of the Court of for the said Sum of £ , recovered by the said *A.B.* against you on the Day of last, and of which said Sum the Sum of (*b*) £ , exclusive of Costs, is sworn to be due from you to the said *A.B.*, and the Sum of £ for taxed Costs, making together the said Sum of £ . You are to be examined also for the Discovery of Property applicable to satisfy the said Debt. You are moreover to observe the Notice endorsed hereon, and hereof you are not to fail at your Peril.

Given under my Hand and the Seal of the Court, the Day of in the Year of our Lord .

(Signed)

To *E.F.* of ——— Registrar.

Seal of the Court.

(*a*) If upon a Decree in Equity, &c., say "upon and by virtue of a Decree" (*or* "Order") and peremptory Order dated respectively the Day of and the Day of and sworn to have been duly served upon you, whereby you were directed to pay to the said *A.B.* the Sum of £ exclusive of Costs, and the Sum of £ for taxed Costs, making together the said Sum of £ .

(*b*) If the Debt is exclusive of Costs, or consists of Costs only, alter the Statement accordingly.

Every such Summons shall be endorsed with a Notice as follows:

Notice to the Party summoned.

"This Summons is served upon you pursuant to the Provisions of "The Bankruptcy Act, 1866," and is founded on an Affidavit of Debt which was filed

filed in the Court of Bankruptcy in London [*or* for the District, at] on the Day of 186 , and you are hereby informed that, if after Service of this Summons, or due Notice thereof, you do not pay the Debt and Costs within mentioned, or secure or compound for the same to the Satisfaction of the Creditor, then, on your Appearance to this Summons, or if you shall not appear, having no lawful Impediment allowed by the Court, and in either Case, without the Presentation of a Petition for Adjudication or other Proceeding, the Court may adjudge you bankrupt.

" This Summons was issued by of Solicitor for the Plaintiff [*or* Plaintiffs] within-named [*or, if by a Solicitor for a Person entitled to recive Money under a peremptory Order, or interested in enforcing Payment of it, alter accordingly.*]

or,

" This Summons was issued in Person by the Plaintiff [*or* Plaintiffs] within-named, who resides [*or* reside] at, *&c.* [*mention the City, Town, or Parish, and also the Name of the Street and Number of the House of the Plaintiff's Residence, if any such there be*]."

SCHEDULE (Q.)

Advertisement of Notice in London Gazette, &c., where Service of Judgment Debtor Summons cannot be effected.

In Bankruptcy. Statutory Notice of Judgment Debtor Summons.
To *E.F.* of

Take notice that a Judgment Debtor Summons, dated the Day of was issued by of Attorney for the Plaintiff [*or* Plaintiffs] herein-after named, [*or* by the Plaintiff [*or* Plaintiffs] herein-after named, who resides at *&c., as endorsed on the Summons*], and is under Seal of Her Majesty's Court of Bankruptcy in London, [*or* Her Majesty's Court of Bankruptcy for the District,] requiring you personally to appear before, *&c.* on the Day of at o'Clock, to be examined respecting your Ability to satisfy a Debt of, *&c.*, [*as in the Summons,*] and for the Discovery of Property applicable in that Behalf. And whereas it has been proved to the Satisfaction of the said Court of Bankruptcy, that you have been keeping out of the way to avoid Service of the said Summons or other legal Process, and that Service thereof cannot be effected, this Notice is given by Order of the same Court, and in pursuance of "The Bankruptcy Act, 1866," and you are hereby required personally to appear before the Commissioner in attendance in Chambers at the same Court at on the Day of at o'Clock, to be examined respecting your Ability to satisfy the said Debt, and for the Discovery of Property applicable in that Behalf; and you are hereby informed, that if you fail herein the Court may adjudge you bankrupt.

_____ Registrar.

_____ Solicitor for the said *A.B.* (*if any*).

SCHEDULE (R.)

THE BANKRUPTCY ACT, 1866.

Declaration to be made when Petition for Adjudication of Bankruptcy or a Judgment Debtor Summons is filed or sued out by Public Officer or Agent of Body Politic or Public Company under Section 123.

In the Court of Bankruptcy, London.
(*Or*, "for the District, at .")
In the Matter of

Day of A.D. 186 .

I, the undersigned do solemnly declare, That I am a Public Officer [*or* Agent] of [*Name of Body Politic or Public Company*], duly authorized as the nominal Petitioner for and on behalf of such [Body Politic *or* Public Company] to file a Petition for Adjudication in Bankruptcy against the said *A.B.* [*or* to sue out a Judgment Debtor's Summons against the said *A.B.*]

Signed

Declared before, *&c.*

SCHEDULE (S.)

THE BANKRUPTCY ACT, 1866.

Notice of Adjudication in the Gazette and Newspapers.

E.F. [*Name and Designation*] was adjudged bankrupt on [*Date, Month, and Year*] by the [Court of Bankruptcy *or* County Court for the District of].

The Adjudication became absolute on [*Date*].

If the Proceedings have been transferred to any other Court, say, "The further Prosecution of the Bankruptcy was, by Order of the Court of dated the 186 , transferred to the Court of Bankruptcy (*or* County Court) for the District of .

The Meeting to elect the Trustee and Inspectors is to be held at [*Hour*] o'Clock on [*Day of the Week*] the [*Date, Month, and Year*], within [*specify particular Place*] in [*Town*]. A Composition or other Arrangement may be proposed at this Meeting. To entitle Creditors to the First Dividend their Declaration of Proof of Debt must be transmitted to the Trustee on or before the [*insert Date*].

All future Advertisements relating to this Bankruptcy will be published in the London Gazette alone.

(Signed) *P.Q.*, Solicitor to Petitioning Creditor
[*specify Place of Business*].

SCHE-

SCHEDULE (T.)

Bond of Security by Trustee.

Know all Men by these Presents, That we, *A.B.*, *C.D.*, and *E.F.*, are jointly and severally held and firmly bound to *E.F.*, Registrar of the Court of Bankruptcy in (*or* of the County Court of), in the Sum of to be paid to him, his Executors, Administrators, or Assigns, for which Payment to be made we jointly and severally bind ourselves, our Heirs, Executors, and Administrators.

Dated this Day of in the Year of our Lord 186 .

(L.S.)
(L.S.)
(L.S.)

Whereas on the Day of *G.H.* of [*Designation*] was adjudged bankrupt by the Court of Bankruptcy [*or* County Court] of and the said *A.B.* has been duly elected Trustee in the Bankruptcy, and confirmed by Certificate dated the Day of 186 . Now, therefore, the Condition of this Bond is such that if the said *G.H.* shall well and duly perform all the Duties imposed upon him by Statute or General Order as such Trustee, this Obligation shall be void and of no Effect, but otherwise shall be and remain in full force and virtue.

SCHEDULE (U.)

THE BANKRUPTCY ACT, 1866.

Certificate of Confirmation of the Trustee.

The Commissioners of the Court of Bankruptcy in London [*or* for the District of].

The Judge of the County Court of did on the Day of 186 , confirm and hereby confirms *A.B.* [*Name and Designation*] as Trustee in the Bankruptcy of *E.F.* [*Name and Designation*] and the whole of the Property, Real and Personal, wherever situated, of the said Bankrupt is transferred to and vested in the said Trustee for the Creditors of the said Bankrupt in virtue of the "Bankruptcy Act, 1866;" and the said Trustee has full Right and Power to sue for and recover all Estates, Effects, Debts, and Money belonging or due to the said Bankrupt.

(Signed) *C.D.*, Registrar.

(Seal.)

SCHEDULE (W.)

THE BANKRUPTCY ACT, 1866.

Declaration of Proof of Debt by Creditor.

In the Court of Bankruptcy, London.

(*Or*, in the Court of Bankruptcy for the District at .)

(*Or* in the County Court of .)

In the Matter of Bankrupt.

I *A.B.* of do solemnly declare, That the Statement of the Debt [and of the Account, *if any*,] between me and the said Bankrupt, hereunto

unto annexed, is a full, true, and complete (*a*) Statement of Account between me and the said Bankrupt, and that the Debt thereby appearing to be due from the Estate of the said Bankrupt to me was on or before the Date of filing the Petition for Adjudication of Bankruptcy against the said Bankrupt, and still is justly due.

(Signed) *A.B.*, the Creditor above named.

(Signed)
C.D., Witness to the Signature
of *A.B.*

(*a*) Any Securities over the Bankrupt's Estate must be stated, valued, and deducted in the Account, and the Balance only claimed. Any Bills, Notes, or other Securities in respect of which the Bankrupt might claim Indemnity or Contribution must be stated in the Account, and such Claim valued, and the Amount deducted, if the Declaration is to be used for the Purpose of voting. If there be any Set-off, the Balance only should be claimed.

Declaration for Proof of Debt by Agent of Company incorporated, or authorized to sue and bring Actions.

In the Court of Bankruptcy, London.

(*Or* in the Court of Bankruptcy for the District at .)

In the Matter of , Bankrupt.

I *A.B.* of , Agent of , being a Public Company incorporated [*or* authorized to sue and bring Actions], and carrying on Business at , do solemnly declare, That I am such Agent, and duly authorized to make this Proof, and that the Statement of the Debt [and of the Account, *if any*,] between the said Company and the said Bankrupt, hereunto annexed, is a full, true, and complete Statement of Account between the said Company and the said Bankrupt, and that it is within my own Knowledge that the Debt thereby appearing to be due from the Estate of the said Bankrupt to the said Company was incurred on or before the Date of filing the Petition for Adjudication of Bankruptcy against the said Bankrupt, and for the Consideration therein stated, and that to the best of my Knowledge and Belief the said Debt still remains unpaid and unsatisfied.

(Signed) *A.B.*,
Agent to the Company above named.

C.D., Witness to the Signature
of *A.B.*

SCHEDULE (X.)

The Bankruptcy Act, 1866.

Notice for the Gazette.

Bankruptcy of *E.F.* [*Designation*].

A.B. [*Name and Designation*] has been elected and confirmed Trustee on the Estate, and *G.H.* and *I.K.* [*Names and Designations*] have been elected Inspectors. The Examination of the Bankrupt will take place in the Court of Bankruptcy, at [*or other Place*] on [*Day of Week*] the [*Date*] of [*Month*] next at

at [*Hour*]. The Creditors will meet in [*specify the Place, Day, and Hour*]. [*If any Offer of Composition or Arrangement has been entertained at the Meeting for Election of Trustee, state this, as provided by the Act.*]

[*Signed by the Trustee.*]

[*Date.*]

SCHEDULE (Y.)

THE BANKRUPTCY ACT, 1866.

(*In Bankruptcy.*)

Warrant of Committal of Bankrupt or other Person for unsatisfactorily answering, or for refusing to sign his Examination.

Court of Bankruptcy.

Whereas *E.F.*, the said [*or G.H.* of in the County of] was on the Day of duly sworn and examined in this Court; as by the Examination and Deposition of the said now on the File of Proceedings in this Matter will appear:

And whereas the Answers of the said , as now so appearing in the said Examination and Deposition, are unsatisfactory [*or* the said refused to sign and subscribe his said Examination and Deposition *or other Cause of Committal*]:

These are therefore to authorize and require you, immediately upon the Receipt hereof, to take into your Custody the said and him safely convey to Her Majesty's Prison of and him there to deliver to the Governor of the said Prison, who is hereby authorized and required to receive the said into his Custody there, and him safely keep and detain, without Bail, until this Court, or the Court of Appeal in Bankruptcy, shall make an Order to the contrary; and for so doing this shall be your sufficient Warrant.

Given under the Seal of the Court, this Day of 18 .

(L.S.) *J.K.*,

To Commissioner.

and to

Governor of the said Prison, or his Deputy there.

SCHEDULE (Z.)

FORM OF GENERAL PROXY.

In the Bankruptcy of of .

Sir,

I [*or* we] hereby authorize you to attend at all Meetings of Creditors in this Bankruptcy, or any Adjournments thereof, to vote and act for me [*or*

No Stamp is required for any Proxy.

[*or* us] in all Matters which at any such Meetings or Adjournments may be lawfully dealt with, or by which I [*or* we] may be affected, as fully as I [*or* we] could vote or act if present.

[*Date.*] *A.B.*

Witness to the Signature of *A.B.* *or A.B.* for self and Partners of the Firm of .

C.D.

To

Form of Proxy as to any special Matter.

In the Bankruptcy of of

Sir,

I [*or* we] hereby authorize you to attend the Meeting of Creditors in this Matter advertised or directed to be holden at or or any Adjournment thereof, and then and there for me [*or* us] and in my [*or* our] Name to vote for or against [*here state the Resolution or Object of the Meeting*] or [*or* and] in the Election of Trustee and Inspectors of the Estate of the Bankrupt.

[*Date.*] *A.B.*

Witness to the Signature of *A.B.* *or A.B.* for self and Partners of the Firm of .

C.D.

To

SCHEDULE (A. a.)

THE BANKRUPTCY ACT, 1866.

Admission of Debt by Creditor of Bankrupt.

I, the undersigned *I.K.* of do hereby, in Court, confess that I am indebted to *E.F.* of a Bankrupt in the Sum of , upon the Balance of Accounts between myself and the said *E.F.*

(Signed) *I.K.*

SCHEDULE (B. a.)

THE BANKRUPTCY ACT, 1866.

This Deed, made the Day of between *A.B.* [*the Debtor*], and *C.D.* and *E.F.* [*the Trustees*], on behalf and with the Assent of the undersigned Creditors of *A.B.*, witnesseth, That *A.B.* hereby grants, assigns, and conveys all his Estate and Effects to *C.D.* and *E.F.* absolutely, to be applied and administered for the Benefit of the Creditors of *A.B.* in like Manner as if *A.B.* had been at the Date hereof duly adjudged bankrupt. In witness, *&c.*

Schedule of Creditors.

SCHE-

SCHEDULE (C. a.)

Register of Bankruptcies.

Name and Designation of Bankrupt.	Place and County of Bankrupt's Residence or Business.	Name and Designation of Petitioning Creditor.	Court in which Petition filed.	To what Court transferred, and on what Date.	Date of filing Petition.	Date of Adjudication. (If recalled, Entry to be in this Column).	Name and Designation of Receiver (if any appointed), and Date of Appointment.	Time and Place for electing Trustee.	Trustee's Name and Designation.	Inspectors Names and Designation.	Time and Place of Bankrupt's Examination.	Assets stated in Bankrupt's Statement.	Assets estimated by Trustee.	Debts proved. Secured over Bankrupt's Estate.	Debts proved. Unsecured over Bankrupt's Estate.	Funds realized at Date of fixing each Dividend.	Funds divided at each Dividend, and Date thereof.	Expenses. Trustee's Commission.	Expenses. Solicitor's Charges.	Expenses. Rent, Wages, &c.	Expenses. Miscellaneous.	Date of Bankrupt's Discharge.	Date of Stay of Proceedings for Arrangement.	Date of Trustee's Discharge.

SCHEDULE (D. a.)

THE BANKRUPTCY ACT, 1866.

General Docket Book.

Name of Bankrupt.	Residence.	Trade.	Petitioning Creditor.	Solicitor.	Date of filing Petition.	Commissioner or Court.	Date of Adjudication.	When advertised.	When annulled.	Time allowed to Petitioning Creditor for Proceeding extended.	Proceedings consolidated, impounded, or transferred (as the Case may be).	Proceedings stayed for Arrangement.	Arrangement approved by Court.	Date of Discharge.

SCHEDULE (E. a.)

THE BANKRUPTCY ACT, 1866.

Warrant against any Person disobeying any Rule or Order of Court.

Whereas by a Rule [*or* an Order] of this Court, bearing Date the Day of made for enforcing the Purposes and Provisions of the Bankruptcy Act, 1866, [*or if of any other Act hereafter in force relating to the Subject Matters of this Act, or made or entered into by Consent for carrying into effect any of such Purposes or Provisions, alter the Recital accordingly*], it was ordered, That, [*&c. &c. as in the Rule or Order*]:

And whereas it is now proved that after the making of the said Rule [*or* Order], that is to say, on this Day of , a Copy of the said Rule [*or* Order] was duly served on the said personally, and the original Rule [*or* Order] at the same Time shown to him, but the said then refused [*or* neglected] to obey the same, and hath not as yet obeyed the said Rule [*or* Order]

These

These are therefore to will, require, and authorize you immediately upon Receipt hereof to take into your Custody the Body of the said *A.B.*, and him safely to convey to Her Majesty's Gaol [*or* Prison] of [*or* called], and him there to deliver to the Keeper of the said Prison, together with this Precept; and the Keeper of the said Prison is hereby required and authorized to receive the said *A.B.* into his Custody, and him safely to keep and detain, without Bail or Mainprise, until this Court, or the Court of Appeal in Bankruptcy, shall make Order to the contrary; and for so doing this shall be your sufficient Warrant.

Given under my Hand and the Seal of the Court at the Court of Bankruptcy, London, this Day of in the Year of our Lord One thousand eight hundred and .

(L.S.) *A.B.*,
Commissioner.

To or his Assistant, and to the Keeper of Her Majesty's Prison [*or* Gaol] of [*or* called], or his Deputy there.

Bankruptcy Law Amendment, &c.

A

BILL

[AS AMENDED IN COMMITTEE]

To amend and consolidate the Law relating to Bankruptcy in England, and to abolish Imprisonment for Debt on Final Process.

(*Prepared and brought in by*
Mr. Attorney General, Mr. Solicitor General, and
Sir George Grey.)

Ordered, by The House of Commons, *to be Printed,*
30 *July* 1866.

[Bill 254.]

Under 17 *oz.*

A

B I L L

TO

Authorize the Town Council of Belfast to levy and pay Charges in respect of extra Constabulary.

Preamble.

WHEREAS the Inspector General of Constabulary did on the Twenty-sixth Day of February One thousand eight hundred and sixty-six, under the statutory Powers in that Behalf enabling him, duly sign and issue his Certificate, certifying that the Sum of Two thousand one hundred and fifty-two Pounds and Ninepence had been incurred by the Borough of Belfast in respect of extra Constables, such Sum being One Moiety of the Expenses of such Constables from the First Day of April to the Thirty-first Day of August One thousand eight hundred and sixty-five: And whereas by "The County Antrim and Belfast Borough Act, 1865," it is amongst other things provided, that from and after the Commencement thereof all the Powers and Duties of the Grand Jury of the County of Antrim in relation to the Applotment and levying of County Cess on any rateable Property within the said Borough shall cease: And whereas by reason of the said Act the Grand Jury of Antrim are unable to present and assess the said Sum in the Borough of Belfast: And whereas the said Sum of

Two thousand one hundred and fifty-two Pounds and Ninepence is justly due and ought to be received from the said Borough:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Inspector General to include in his next Certificate 2,152*l.* 0*s.* 9*d.* now remaining due from the Borough of Belfast for extra Constabulary.

1. When the Inspector General of Constabulary next after the *passing of this Act* shall make out a Certificate, as provided by the Sixth Section of "The Constabulary (Ireland) Amendment Act, 1865," of the Amount of the Monies chargeable in respect of the Expense of the additional Force now added to the Constabulary Force of Belfast, he shall add to such Amount the said Sum of *Two thousand one hundred and fifty-two Pounds and Ninepence*, and when such Certificate shall have been laid before the Town Council signed and certified in the Manner provided by that Act, the Town Council shall forthwith make and levy a Rate sufficient for the Payment of the total Amount stated in such Certificate, and shall thereout, or out of any Monies in their Hands, pay the Amount mentioned in such Certificate to the Paymaster General's Department in Ireland.

The said Sum to be applied as heretofore.

2. The said Sum of *Two thousand one hundred and fifty-two Pounds and Ninepence* when so paid over shall be applied in the same Manner and for the same Purpose as if the same had been raised in the Manner heretofore accustomed before the passing of "The County Antrim and Belfast Borough Act, 1865."

Future Expenses for extra Constabulary to be raised under Act of 1865.

3. Any Expenses which hereafter may be chargeable to the Borough of Belfast in respect of extra Constabulary shall be certified, signed, approved, raised, and paid in the same Manner as is provided by the Sixth Section of the "Constabulary (Ireland) Amendment Act, 1865."

Short Title.

4. This Act may be cited as "The Belfast Constabulary Act, 1866."

Belfast Constabulary.

A

BILL

To authorize the Town Council of Belfast to levy and pay Charges in respect of extra Constabulary.

(*Prepared and brought in by Mr. Solicitor General for Ireland and Mr. Attorney General for Ireland.*)

Ordered, by The House of Commons, *to be Printed*, 14 *May* 1866.

[Bill 159.]

Under 1 *oz.*

A

BILL

TO

Amend the Bills of Sale Act, 1854.

Preamble.

WHEREAS an Act of Parliament was passed in the Eighteenth Year of the Reign of Her present Majesty, Chapter Thirty-six, intituled "An Act for preventing "Frauds upon Creditors by secret Bills of Sale of Personal Chat- "tels," and it is expedient that the said Act, herein-after referred to as the "Principal Act," should be amended:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Construction of Act.

1. The Principal Act and this Act shall, as far as is consistent with the Tenor of such Acts, be construed together.

Short Titles.

2. The Principal Act may be cited as "The Bills of Sale Act, 1854," and this Act may be cited as "The Bills of Sale Act, 1866."

Definition of Registration of a Bill of Sale.

3. The filing of a Bill of Sale, or a Copy thereof, with the Affidavit required by the Principal Act, is herein-after referred to as the Registration of a Bill of Sale.

Renewal of Registration of Bills of Sale.

4. The Registration of a Bill of Sale under the Principal Act shall, during the Subsistence of such Security, be renewed in manner herein-after mentioned once in every Period of Five Years, commencing from the Day of the Registration, and, if not so renewed, such Registration shall cease to be of any Effect at the Expiration of any Period of Five Years during which a Renewal has not been made as hereby required, subject to this Provision, that where a Period of Five Years from the original Registration of any Bill of Sale under the Principal Act has expired before the First Day of January One thousand eight hundred and sixty-seven such Bill of Sale shall be as valid to all Intents and Purposes as it would have been if this Act had not been passed, if such Registration be renewed in manner aforesaid before the First Day of January One thousand eight hundred and sixty-seven.

Mode of renewing Bill of Sale. 7 W. 4. & 1 Vict. c. 30. ss. 1 & 3.

By whom is this Affidavit to be filed.

5. The Registration of a Bill of Sale shall be renewed by some Person filing in the Office of the Masters of the Court of Queen's Bench (being the Officers acting as Clerk of the Docquets and Judgments in the said Court) an Affidavit stating the Date of such Bill of Sale, and the Names, Residences, and Occupations of the respective Parties thereto as stated therein, and also the Date of the Registration of such Bill of Sale, and that such Bill of Sale is still a subsisting Security, and such Masters shall thereupon number such Affidavit and renumber the original Bill of Sale or Copy filed in the said Office with a similar Number.

Affidavit to bear a 5s. Stamp.

6. *Every Affidavit renewing the Registration of a Bill of Sale shall bear an adhesive Common Law Stamp of the Value of Five Shillings, and may be in the Form given in Schedule A. to this Act, and no further Fee shall be payable on filing such Affidavit.*

Masters of Queen's Bench to keep a Book containing particulars of each Bill of Sale and Affidavit.

7. After the passing of this Act, instead of the Books directed to be kept by the Third Section of the Principal Act, there shall be kept at the said Office One Book only, in which shall be fairly inserted, as and when such Bills of Sale or Copies as required by the Principal Act, or Affidavit of Renewal as required by this Act, are respectively filed, the Name, Residence, and Occupation of the Person by whom the Bill of Sale was made or given, or in case the same was made or given by any Person under or in the Execution of Process, then the Name, Residence, and Occupation of the Person against whom such Process was issued, and also the Name of the Person or Persons to whom or in whose Favour the said Bill of Sale was given, together with the Number affixed to the said Bill of Sale or Copy as directed by the Principal Act or by this Act (as the Case may be); and the Date of the said Bill of Sale

or

or Copy, and of the Registration thereof, and the Date of the filing the said Affidavit of Renewal, and all such Particulars, shall be entered according to the Form given in Schedule B. to this Act; and the said Book, and every Bill of Sale or Copy and Affidavit filed as aforesaid, may be searched and viewed by all Persons at all reasonable Times upon Payment for every Search against One Person the Fee or Sum of One Shilling and no more, which Fee shall be paid by a Common Law Stamp.

Book, &c. may be searched on Payment of One Shilling.

8. Any Person shall be entitled to have an Office Copy of such Affidavit of Renewal as is required to be filed under this Act upon paying for the same at the like Rate as for Office Copies of Bills of Sale filed under the Principal Act.

Office Copies of Affidavits to be supplied on Payment for same.

9. Any Affidavit required by the Principal Act or this Act may be sworn before One of the Masters of the Court of Queen's Bench.

Affidavits may be sworn before One of the Masters of the Queen's Bench.

10. All Enactments for the Time being in force relating to Common Law Stamps shall apply to the Stamps to be provided for the Purposes of this Act.

Application of Enactments under this Act.

11. This Act shall not extend to Scotland or Ireland.

Extent of Act.

SCHEDULE A.

I, *A.B.* of do swear that a Bill of Sale, bearing Date the Day of 18 [*insert the Date of the Bill of Sale*], and made between [*insert the Names, &c. of the Parties to the Bill of Sale as in the original Bill of Sale*], and which said Bill of Sale [*or* "and a Copy of which said Bill of Sale" (*as the Case may be*)] was filed in the Court of Queen's Bench on the Day of 18 [*insert the Date of filing*], and is still a subsisting Security.

Sworn, *&c.*

SCHEDULE B.

Satisfaction entered.	No.	By whom given, or against whom Process issued.			To whom given.	Instrument.	Date of Instrument.	Date of Registration.	Date of filing Affidavit of Renewal.
		Name.	Residence.	Occupation.					

Bills of Sale Act (1854) Amendment.

A

BILL

To amend the Bills of Sale Act, 1854.

(*Prepared and brought in by*
Mr. Hunt, Mr. Chancellor of the Exchequer, and
Mr. Attorney General.)

Ordered, by The House of Commons, *to be Printed*,
23 *July* 1866.

[Bill 235.

Under 1 *oz.*

A

BILL

FOR

The Union of the Colony of Vancouver Island with the Colony of British Columbia.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited as The British Columbia Act, 1866.

Interpretation.

2. In this Act the Term "Governor" means any Officer for the Time being lawfully administering the Government.

Proclamation of Act by Governor, on Addresses, &c.

3. The Governor of British Columbia after receiving an Address from the Legislative Council of British Columbia requesting that this Act should be proclaimed by him, and after having been officially informed that Addresses to the same Effect have been adopted by the Legislative Council and Legislative Assembly of Vancouver Island, shall proclaim the same accordingly.

On Proclamation of Act in British Columbia, Union of Vancouver Island therewith.

4. From and immediately after the Proclamation of this Act by the Governor of British Columbia, the Colony of Vancouver Island shall be and the same is hereby united with the Colony of British Columbia, and thenceforth those Two Colonies shall form and

and be One Colony, with the Name of British Columbia (which Union is in this Act referred to as the Union).

Government of the United Colony.

5. On the Union taking effect, the Form of Government existing in Vancouver Island as a separate Colony shall cease, and the Power and Authority of the Executive Government and of the Legislature existing in British Columbia shall extend to and over Vancouver Island; but in order that Provision may be made for the Representation of Vancouver Island in the Legislature of British Columbia after the Union, the maximum Number of Councillors in the Legislative Council of British Columbia after the Union shall, until it is otherwise provided by lawful Authority, be *Twenty-three* instead of Fifteen.

Laws of the separate Colonies to continue except as to Customs.

6. After and notwithstanding the Union the Laws in force in the separate Colonies of British Columbia and Vancouver Island respectively at the Time of the Union taking effect shall, until it is otherwise provided by lawful Authority, remain in force as if this Act had not been passed or proclaimed; save only that the Laws relative to the Revenue of Customs in force in British Columbia at the Time of the Union taking effect shall, until it is otherwise provided by lawful Authority, extend and apply to Vancouver Island; and, until it is otherwise provided by lawful Authority, the Governor of British Columbia shall have, in relation to the Territory for the Time being under his Government, all the Powers and Authorities for the Time being vested, in relation to the United Kingdom, in the Commissioners of Her Majesty's Treasury or in the Commissioners of Customs, with respect to the Appointment of Warehousing Ports, and the Approval and Appointment of Warehouses or Places of Security in such Ports, and everything consequent thereon or relative thereto.

Saving for Powers of Local Legislature, &c.

7. Nothing in this Act shall take away or restrict the Authority of the Governor of British Columbia, with the Advice and Consent of the Legislative Council thereof, to make Laws for the Peace, Order, and good Government of British Columbia either before or after the Union; nor shall anything in this Act interfere with the Exercise of any Power that would have been exerciseable by Her Majesty in Council if this Act had not been passed.

Boundaries of British Columbia until Union.

8. Until the Union British Columbia shall comprise all such Territories within the Dominions of Her Majesty as are bounded to the South by the Territories of the United States of America, to the West by the Pacific Ocean and the Frontier of the Russian Territories

Territories in North America, to the North by the Sixtieth Parallel of North Latitude, and to the East from the Boundary of the United States Northwards by the Rocky Mountains and the One hundred and twentieth Meridian of West Longitude, and shall include Queen Charlotte's Island and all other Islands adjacent to the said Territories, except Vancouver Island and the Islands adjacent thereto.

Boundaries of British Columbia after Union.

9. After the Union British Columbia shall comprise all the Territories and Islands aforesaid, inclusive of Vancouver Island and the Islands adjacent thereto.

Repeal of Acts in Schedule.

10. The Acts described in the Schedule to this Act are hereby repealed; but this Repeal shall not invalidate any Order in Council or other Instrument issued under the Authority of those Acts or either of them, or any Act done or Right or Title acquired by virtue of those Acts or of either of them or of any such Order or Instrument.

SCHEDULE.

Acts repealed.

21 & 22 Vict. c. 99. - -	An Act to provide for the Government of British Columbia.
26 & 27 Vict. c. 83. - -	An Act to define the Boundaries of the Colony of British Columbia, and to continue an Act to provide for the Government of the said Colony.

British Columbia.

A

BILL

For the Union of the Colony of Vancouver Island with the Colony of British Columbia.

(*Prepared and brought in by Mr. William Edward Forster and Mr. Secretary Cardwell.*)

Ordered, by The House of Commons, *to be Printed,* 11 *June* 1866.

[Bill 186.]

Under 1 *oz.*

A

B I L L

TO

Revive Section Sixty-nine of "The Nuisances Removal (Scotland) Act, 1856," relating to Burials in Burghs.

WHEREAS an Act was passed in the Session held in the Nineteenth and Twentieth Years of Her Majesty Queen Victoria, being the Nuisances Removal (Scotland) Act, 1856, Section Sixty-nine of which Act contains certain Provisions for the Amendment of the Act of the Eighteenth and Nineteenth of Her Majesty Queen Victoria, being the Burial Grounds (Scotland) Act, 1855, so as to make the last-mentioned Act available in Burghs comprehending Parts of more than One Parish : Preamble. 19 & 20 Vict. c. 103. s. 69. 18 & 19 Vict. c. 68.

And whereas by the General Police and Improvement (Scotland) Act, 1862, the said Section Sixty-nine of the Nuisances Removal (Scotland) Act, 1856, was inadvertently repealed : 25 & 26 Vict. c. 101.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Repeal of so much of Police and Improvement (Scotland) Act as repeals s. 69. of the Nui-

1. That the said General Police and Improvement (Scotland) Act, 1862, be and the same is hereby repealed in so far, but in so far only, as the same repeals and affects Section Sixty-nine of the

 Nuisances

sances Removal (Scotland) Act, 1856. 18 & 19 Vict. c. 68.

Nuisances Removal (Scotland) Act, 1856 above recited: And the said Section Sixty-nine is hereby re-enacted and restored, and declared to be in full Force and Effect.

All Proceedings under Burial Grounds (Scotland) Act, 1855, and in Terms of said 69th Section, to be valid.

2. All Proceedings adopted and taken or to be adopted and taken under or in Terms of the Act passed in the Eighteenth and Nineteenth Years of the Reign of Her Majesty Queen Victoria, being the Burial Grounds (Scotland) Act, 1855, and under and in Terms of the Sixty-ninth Section of the Nuisances Removal (Scotland) Act, 1856, or either of them, shall be equally valid and effectual as if the said Section Sixty-nine had never been repealed.

Short Title.

3. This Act may be cited as the Burial in Burghs (Scotland) Act, 1866.

Burials in Burghs (Scotland).

A

BILL

To revive Section Sixty-nine of "The Nuisances Removal (Scotland) Act, 1856," relating to Burials in Burghs.

(*Prepared and brought in by Mr. Baxter and Mr. Carnegie.*)

Ordered, by The House of Commons, *to be Printed,* 2 *May* 1866.

[Bill 132.]

Under 1 *oz.*

A

B I L L

TO

Provide for the carrying out of Capital Punishments within Prisons.

WHEREAS it is expedient that all Capital Punishments shall be carried into effect within Prisons: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. The Sentence of Death to be executed on a Prisoner condemned to Death, after the *passing of this Act* shall be carried into effect within the Walls of the Prison in which the Prisoner shall be confined immediately previous to his Execution. Execution to be carried into effect within the Prison.

2. The Sheriff or Magistrate who is to carry such Sentence into effect, the Gaoler, Chaplain (or other Officiating Minister), and Surgeon of the Prison, and such other Officers of the Prison as the Sheriff may require, shall be present at every such Execution, and any Justices of the Peace and Representatives of the Press who may desire to attend, and such other Persons as the Sheriff or Magistrate may think fit, may be present at every such Execution. Sheriff and Officers of Prison to witness Execution. Justices of the Peace and others may witness Execution.

3. So soon as the Sentence of Death shall have been duly carried into effect, the Surgeon shall sign a Certificate in the Form set forth Surgeon to sign Certificate.

Sheriff, Officers of Prison, and others to sign Declaration.

forth in Schedule A. to this Act annexed, and the Sheriff or Magistrate, Gaoler, and Chaplain (or other Officiating Minister) shall sign, and such of the other Persons present as think fit may sign, a Declaration according to the Form set forth in Schedule B. to this Act annexed.

Inquest to be held on the Body of every Prisoner executed.

4. The Coroner of the District in England and Ireland wherein any such Sentence of Death shall have been carried into effect shall within *Six Hours* next after such Execution hold an Inquest on the Body of the Prisoner so executed, and the Jury at such Inquest shall inquire and find whether the Sentence of Death was duly carried into effect on the Prisoner condemned to Death, but in no Case shall any Officer of the Prison or any Prisoner confined in the Prison be a Juror on such Inquest.

Penalty for making false Declaration, &c.

5. Any Person who shall sign any such Certificate or Declaration, knowing the same to be false, shall be guilty of a Misdemeanor.

Printed Copies of Certificate, &c. to be publicly exhibited.

6. Printed Copies of such Certificate and Declaration, and of the Inquisition of the Jury, shall be forthwith exhibited on or near to the principal Entrance to the Prison; and every such Certificate, Declaration, and Inquisition shall as soon as convenient be transmitted by the Sheriff or Magistrate to the Secretary of State for the Home Department.

Interpretation Clause.

7. The following Words shall in this Act have the following Meanings:

"Sheriff" shall in England and Ireland mean and include the Sheriff, Under Sheriff, or other legal competent Deputy for the County, City, or Place, and shall in Scotland mean and include the Sheriff Substitute, Steward, and Steward Substitute of the County in which the Prison is situate:

"Magistrate" shall mean and include the Provost or other Magistrate for the Time being of any City or Burgh in Scotland:

"Gaoler" shall mean the Governor, Keeper, or other chief Officer of the Prison:

"Justices of the Peace" shall mean Justices of the Peace acting for the County, City, or Borough or Place in which the Prison is situate.

SCHE-

SCHEDULE A.

I *A.B.*, being the Surgeon in attendance at the Execution of *C.D.* at the Prison of do hereby certify That I this Day witnessed the Execution of the said *C.D.* at the said Prison, and that the said *C.D.* was hanged by the Neck until dead.

Given under my Hand, this Day of A.D. at the Prison of in the County of

SCHEDULE B.

We do hereby declare, That we were this Day present at the Prison of when the Sentence of Death was duly carried into effect on *C.D.*, a Prisoner in the said Prison condemned to Death.

Dated this Day of A.D. at the Prison of in the County of

Sheriff or Magistrate.

Chaplain (or other Officiating Minister).

Gaoler.

Justices and others.

Capital Punishments within Prisons.

A

BILL

To provide for the carrying out of Capital Punishments within Prisons.

(*Prepared and brought in by Mr. Hibbert, Mr. Bonham-Carter, Mr. Tollemache, and Mr. Mitford*).

Ordered, by The House of Commons, *to be Printed,* 6 *March* 1866.

[Bill 54.]

Under 1 *oz.*

A

B I L L

FOR

The Amendment of the Law with respect to the Carriage and Deposit of dangerous Goods.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Nitro-Glycerine to be deemed dangerous.

1. The Goods or Article commonly known as Nitro-Glycerine or Glonoine Oil shall be deemed to be specially dangerous within the Meaning of this Act.

Other Goods may be declared so by Order.

2. Her Majesty may from Time to Time, by Order in Council, declare that any Goods named in any such Order (other than Nitro-Glycerine or Glonoine Oil) are to be deemed specially dangerous within the Meaning of this Act; and may from Time to Time amend or repeal any such Order; and any Goods which are by any such Order declared to be specially dangerous shall, so long as such Order is in force, be deemed to be specially dangerous within the Meaning of this Act.

Such Goods to be marked and Notice to be given of their Character.

3. No Person shall deliver any Goods which are specially dangerous to any Warehouse Owner or Carrier, or send or carry or cause to be sent or carried any such Goods upon any Railway or in any Ship to or from any Part of the United Kingdom, or in any other public Conveyance, or deposit any such Goods in or on any Warehouse or Quay, unless the true Name or Description of such Goods, with the Addition of the Words specially dangerous, is distinctly written, printed, or marked on the Outside of the Package, nor in the Case of Delivery to or Deposit with any Warehouse Owner or Carrier, without also giving Notice in Writing to him of the Name or Description of such Goods, and of their being specially dangerous. And any Person who knowingly commits a Breach of this Enactment shall be liable to a Penalty not exceeding *Five hundred* Pounds, or at the Discretion of the Court to Imprisonment, with or without Hard Labour, for any Term not exceeding *Two Years*.

Warehouse Owners and Carriers not bound to receive such Goods.

4. No Warehouse Owner or Carrier shall be bound to receive or carry any Goods which are specially dangerous.

Interpretation.

5. In construing this Act the Term Warehouse Owner shall include all Persons or Bodies of Persons owning or managing any Warehouse, Store, Quay, or other Premises in which Goods are deposited; and the Word Carrier shall include all Persons or Bodies of Persons carrying Goods or Passengers for Hire.

Application of Petroleum Act to Nitro-Glycerine. 25 & 26 Vict. c. 66.

6. The Act of the Session of the Twenty-fifth and Twenty-sixth Years of Her Majesty's Reign, Chapter Sixty-six, "for the safe "keeping of Petroleum," is hereby extended and applied to Nitro-Glycerine, and that Act shall be read and have effect as if throughout its Provisions Nitro-Glycerine had been mentioned in addition to Petroleum; save that so much of the said Act as specifies the maximum Quantity of Petroleum to be kept as therein mentioned without a Licence shall not apply in the Case of Nitro-Glycerine, and any Quantity whatever of Nitro-Glycerine shall be deemed to be subject to the Provisions of the said Act.

Application of same Act to other Substances.

7. The said Act of the Session of the Twenty-fifth and Twenty-sixth Years of Her Majesty's Reign is also hereby extended and applied to any Substance for the Time being declared by any Order in Council under this Act to be specially dangerous, and that Act shall be read and have effect as if throughout its Provisions the Substance to which such Order in Council relates had been mentioned in addition to Petroleum; save that the Quantity of such Substance which it shall not be lawful to keep as in the said Act mentioned

mentioned without a Licence shall, instead of the Quantity specified in relation to Petroleum in the said Act, be such Quantity as is specified in that Behalf in relation to any such Substance in any such Order in Council.

8. This Act may be cited as The Carriage and Deposit of dangerous Goods Act, 1866. Short Title.

Carriage and Deposit of dangerous Goods.

A

B I L L

For the Amendment of the Law with respect to the Carriage and Deposit of dangerous Goods.

(*Prepared and brought in by Mr. Milner Gibson and Mr. Monsell.*)

Ordered, by The House of Commons, *to be Printed,* 30 *May* 1866.

[Bill 168.]

Under 1 *oz.*

A

B I L L

TO

Give further Facilities for the Establishment of Societies for the Assurance of Cattle and other Animals.

WHEREAS it is expedient to give further Facilities for the Establishment of Societies for the Assurance of Cattle and other Animals, under the Friendly Societies Acts: Preamble.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

1. Notwithstanding anything in the Act passed in the Session holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter Sixty-three, intituled "An Act to consolidate and amend "the Law relating to Friendly Societies," a Society may be established under the Provisions of the said Act for the Assurance to any Amount against Loss by Death of Neat Cattle, Sheep, Lambs, Swine, and Horses, from Disease or otherwise; and neither the Provisions in Section Nine of the said Act, that no Member shall subscribe or contract for a Sum payable on Death or any other Contingency exceeding Two hundred Pounds, nor Section Thirty-eight Societies for the Assurance of Animals to any Amount may be established under the Friendly Society Acts.

eight of the said Act, shall apply to any such Society so established or which may hereafter be so established for such Purpose.

Contributions to be recoverable in the County Courts.

2. All Contributions, Premiums, and other Payments payable by any Member of any such Society, under the Rules thereof, in respect of any Assurance effected by him, shall be considered as a Debt due by him to the Society, and shall be recoverable as such in the County Court of the District within which the usual or principal Place of Business of the Society is situate, and in Ireland before the Assistant Barrister within his District.

Short Title of Act.

3. This Act may be cited for all Purposes as The Cattle Assurance Act, 1866.

Cattle Assurance.

A

B I L L

To give further Facilities for the Establishment of Societies for the Assurance of Cattle and other Animals.

(*Prepared and brought in by Mr. Baring and Sir George Grey.*)

Ordered, by The House of Commons, *to be Printed*, 22 *March* 1866.

[Bill 90.]

Under 1 *oz.*

A

B I L L

TO

Amend the Act of the Eleventh and Twelfth Years of Her present Majesty, Chapter One hundred and seven, to prevent the spreading of contagious or infectious Disorders among Sheep, Cattle, and other Animals.

WHEREAS by the Act of the Session of the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter One hundred and seven, (which Act has been from Time to Time continued until the First Day of August One thousand eight hundred and sixty-six, and the End of the then next Session of Parliament), it is amongst other things enacted that it shall be lawful for the Lords and others of Her Majesty's Privy Council, or any Two or more of them, from Time to Time to make such Orders and Regulations as to them may seem necessary for the Purpose of prohibiting or regulating the Removal to or from such Parts or Places as they may designate in such Order or Orders of Sheep, Cattle, Horses, Swine, or other Animals, or of Meat, Skins, Hides, Horns, Hoofs, or other Parts of any Animals, or of Hay, Straw, Fodder, or other Articles likely to propagate Preamble.

pagate Infection, and also for the Purpose of purifying any Yard, Stable, Outhouse, or other Place, or any Waggons, Carts, Carriages, or other Vehicles, and also for the Purpose of directing how any Animals dying in a diseased State, or any Animals, Parts of Animals, or other Things seized under the Provisions of this Act, are to be disposed of, and also for the Purpose of causing Notices to be given of the Appearance of any Disorder among Sheep, Cattle, or other Animals, and to make any other Orders or Regulations for the Purpose of giving Effect to the Provisions of this Act, and again to revoke, alter, or vary any such Orders or Regulations:

And whereas it is expedient to amend and explain the said Act:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Construction of Act.

1. The said Act of the Session of the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter One hundred and seven, is herein-after referred to as the Principal Act, and this Act shall be construed as One with the Principal Act, and as being included under the Expression "this Act" used in the Principal Act; and this Act and the Principal Act may be cited together as The Cattle Diseases Acts, 1848 and 1866.

Application of Act.

2. This Act, and the Principal Act in so far as it is amended by this Act, shall not extend to Ireland.

Definition of "Privy Council."

3. "Privy Council" shall mean the said Lords and others of Her Majesty's Privy Council, or any Two of them.

Explanation of 11 & 12 Vict. c. 107. s. 4.

4. It is hereby declared, that the Power of making Orders and Regulations given by the Principal Act to the Privy Council extends to making any Regulations or imposing any Prohibitions or Conditions which the said Council may deem it expedient to make or to impose for the Purpose of preventing the spreading within Great Britain of contagious or infectious Diseases amongst Animals, including the Power of directing the Slaughter of any Animals affected by such contagious and infectious Diseases: And it is further declared, that the Privy Council may by Order delegate to any Local Authority named or constituted by them a Power of making Orders or Regulations for any Purpose specified in such Order of the Privy Council with a view to give Effect to the Provisions of the Principal Act as explained by this Act, and upon such Delegation being made any such Order or Regulation

lation made by any Local Authority shall, within the Jurisdiction of such Authority, have the same Force as if it had been made by the Privy Council.

Penalty for Disobedience of Act or Order.

5. If any Person acts in contravention of any Provisions of the Principal Act and this Act, or either of such Acts, or of any Order or Regulation made thereunder, he shall for each Offence incur a Penalty not exceeding Twenty Pounds; and where any such Offence is committed with respect to more than Four Animals, a Penalty not exceeding Five Pounds for each Animal may be imposed instead of the Penalty of Twenty Pounds.

Power of Entry and Inspection.

6. Where any Order or Regulation made in pursuance of the Principal Act and of this Act, or of either of such Acts, requires or authorizes the Examination of any Animals or of any Premises, or of any Pens, Trucks, Boats, or other Vehicles for conveying Animals, or of any other Thing, for the Purpose of ascertaining whether the Provisions of such Order or Regulation have or have not been complied with, any Officers for that Purpose named or appointed by any Order or Regulation made in pursuance of the said Act or Acts, or either of such Acts, shall have full Power at all reasonable Times to enter into or upon any Premises for the Purpose of examining and to examine any such Animals, Premises, Pens, Trucks, Boats, or other Things, and any Person refusing Entry to or wilfully obstructing any such Officers in the Execution of their Duty shall be subject to a Penalty not exceeding Twenty Pounds: Provided always, that every such Officer shall, if required, state in Writing the Grounds on which he has entered any Premises for the Purpose aforesaid.

Power for Constables to stop Beasts on Highway, &c.

7. Any Constable or Police Officer may stop and detain any Animal moved, or which he has good Cause to suspect is being moved, in contravention of the Principal Act and of this Act, or either of such Acts, or of any Order or Regulation made thereunder, and may without Warrant apprehend the Driver or Person in charge of such Animal; and such Driver or Person shall be taken as soon as may be before a Justice or Justices, who shall examine into the alleged Offence, and adjudicate thereon in a summary Manner; but no Animal or Person detained or apprehended under this Enactment shall be detained by any Constable or other Police Officer of his own Authority longer than is necessary for obtaining the Order of a Justice or Justices; and the Constable or other Police Officer so detaining any Animal shall cause it to be supplied with requisite Food and Water during its Detention; and any Expenses incurred by such Officer in respect of any such Animal

may be recovered in a summary Manner from the Person in charge, or from the Owner of the Animal.

The Justice or Justices before whom any Offender is brought in pursuance of this Section may make such Order with respect to the Slaughter or other Disposal of any Animal detained by the Constable or Police Officer as he or they may think expedient for the Purpose of preventing the spreading of the infectious or contagious Disease; and no Compensation shall be payable in respect of any Animal so directed to be slaughtered or otherwise disposed of.

Owner may be summoned in certain Cases.

8. Where any Person other than the Owner of Animals is brought before a Justice or Justices charged with any Act in respect of which he is liable to a Penalty under the Principal Act and this Act, or either of such Acts, or any Order or Regulation made thereunder, and it appears to such Justice or Justices that the Person charged has acted under the Order or with the Sanction of such Owner, it shall be lawful for such Justice or Justices, if he or they think it just so to do, to summon the Owner to appear before him or them, and, if satisfied that the Person charged acted under the Order or with the Sanction of the Owner, to impose the Penalty on the Owner instead of on such Person as aforesaid, or to impose a Penalty not exceeding in Amount the Penalty to which such Person is liable, on the Owner as well as on such Person.

Penalties and Forfeitures in England.

9. Penalties and Forfeitures under the Principal Act and this Act, or either of such Acts, or any Order made thereunder, and Expenses directed to be recovered in a summary Manner, shall be recovered in England before Two Justices of the Peace in Petty Sessions, except where it is provided that One Justice is to adjudicate, and in manner directed by an Act passed in the Session holden in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen Victoria, Chapter Forty-three, intituled "An Act to facilitate "the Performance of the Duties of Justices of the Peace out of "Sessions within England and Wales, with respect to Summary "Convictions and Orders," or any Act amending the same.

An Appeal may be had from a Decision of a Justice or Justices under this Act to the Court of General or General Quarter Sessions in manner provided by the Principal Act.

One Half of all Penalties and Forfeitures so recovered shall be paid to the Person who sues or proceeds for the same, and the other Half shall be applied in manner directed by the last-mentioned Act.

Penalties and Forfei-

10. Penalties and Forfeitures under the Principal Act and this Act, or either of such Acts, or any Order made thereunder, shall, in

in Scotland, be recovered in manner directed by the Summary Procedure Act, 1864; and the Term "Justice or Justices" shall include any Magistrate having Jurisdiction in Scotland under the said Act. tures in Scotland.

11. Where the Purification of any Waggons, Carts, Carriages, Boats, or other Vehicles for carrying Animals is directed by any Order or Regulation made in pursuance of the Principal Act or this Act, or either of such Acts, the Burden of proving that such Vehicles have been duly purified in pursuance of such Order or Regulation shall lie on the Company or Person to whom such Vehicles belong. Burden of Proof.

12. Notwithstanding anything contained in the Principal Act, any Order or Regulation made by the Privy Council in pursuance of the Principal Act and this Act, or either of such Acts, shall be valid if published once in the London Gazette, unless it relates to any particular County, Town, or other Place, and not to the whole of Great Britain, in which Case it shall not be valid unless it be also published in some Newspaper circulating in such County, Town, or other Place, or in such other Manner as the Privy Council may direct. Publication of Order by the Privy Council.

Any Order or Regulation made by a Local Authority shall be published in such Manner as the Privy Council may direct.

The Expense of the local Publication of any Order or Regulation of the Privy Council, and the Expense of publishing any Order or Regulation of a Local Authority, shall be defrayed by the Local Authority of the Place where any such Order or Regulation is published.

13. Any Expenses which any Local Authority is authorized to incur in carrying into effect the Provisions of this Act and the Principal Act, or either of such Acts, or any Order or Regulation made under either of them, shall be deemed to be Expenses legally incurred by such Authority, and shall be payable out of the Local Rate specified in the Schedule to the Cattle Diseases Prevention Act, 1866. Expenses incurred by the Local Authority.

14. Any Order or Regulation of the Privy Council made in pursuance of the Principal Act and this Act, or either of such Acts, may be proved by the Production of a Copy of the Gazette containing such Order or Regulation, or by the Production of a Copy of any such Order or Regulation purporting to be printed by the Printers of Her Majesty. Any Order or Regulation made or issued by any Local Authority in pursuance of the Principal Act Evidence of Orders.

and of this Act, or either of such Acts, or any Order or Regulation made under such Acts or either of them, may be proved in any of the Modes herein-after mentioned:

First, by the Production of a Copy of a Newspaper containing a Copy of such Order or Regulation; or,

Secondly, by the Production of a printed Copy of such Order or Regulation, purporting to be certified to be a true Copy by the Clerk of the Peace where the Authority are Justices in General or Quarter Sessions assembled, or by the Town Clerk or other Officer performing the Duties of a Town Clerk in the Case of an Authority having a Town Clerk or other Officer as aforesaid, or by such other Officer as the said Privy Council may prescribe; or,

Thirdly, by the Production of a printed Copy of such Order or Regulation sealed with the Corporate Seal where the Authority has a Seal:

And any Order or Regulation mentioned in this Section shall, until the contrary is proved, be deemed to have been duly made and issued at the Time at which it bears Date.

Stamp Duty and Fees not to be paid on Certificates.

15. No Stamp Duty shall be payable on, and no Fee or other Charge shall be demanded or made for, any Appointment, Certificate, Declaration, or Licence under the Principal Act or this Act, or either of such Acts, or any Order or Regulation made thereunder.

Repeal of 11 & 12 Vict. c. 107. ss. 8–22.

16. Sections Eight to Sixteen, and Sections Nineteen to Twenty-two, inclusive, of the Principal Act shall be repealed.

Cattle, &c. Contagious Diseases.

A

B I L L

To amend the Act of the Eleventh and Twelfth Years of Her present Majesty, Chapter One hundred and seven, to prevent the spreading of contagious or infectious Disorders among Sheep, Cattle, and other Animals.

(*Prepared and brought in by Sir George Grey and Mr. Baring.*)

Ordered, by The House of Commons, *to be Printed*, 21 *March* 1866.

[Bill 86.]

Under 1 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Act of the Eleventh and Twelfth Years of Her present Majesty, Chapter One hundred and seven, to prevent the spreading of contagious or infectious Disorders among Sheep, Cattle, and other Animals.

WHEREAS by the Act of the Session of the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter One hundred and seven, (which Act has been from Time to Time continued until the First Day of August One thousand eight hundred and sixty-six, and the End of the then next Session of Parliament), it is amongst other things enacted that it shall be lawful for the Lords and others of Her Majesty's Privy Council, or any Two or more of them, from Time to Time to make such Orders and Regulations as to them may seem necessary for the Purpose of prohibiting or regulating the Removal to or from such Parts or Places as they may designate in such Order or Orders of Sheep, Cattle, Horses, Swine, or other Animals, or of Meat, Skins, Hides, Horns, Hoofs, or other Parts of any Animals, or of Hay, Straw, Fodder, or other Articles likely to propagate Preamble.

pagate Infection, and also for the Purpose of purifying any Yard, Stable, Outhouse, or other Place, or any Waggons, Carts, Carriages, or other Vehicles, and also for the Purpose of directing how any Animals dying in a diseased State, or any Animals, Parts of Animals, or other Things seized under the Provisions of that Act, are to be disposed of, and also for the Purpose of causing Notices to be given of the Appearance of any Disorder among Sheep, Cattle, or other Animals, and to make any other Orders or Regulations for the Purpose of giving Effect to the Provisions of this Act, and again to revoke, alter, or vary any such Orders or Regulations :

And whereas it is expedient to amend and explain the said Act :

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Construction of Act.

1. The said Act of the Session of the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter One hundred and seven, is herein-after referred to as the Principal Act, and this Act shall be construed as One with the Principal Act.

Application of Act.

2. This Act, and the Principal Act in so far as it is amended by this Act, shall not extend to Ireland.

Definition of "Privy Council."

3. "Privy Council" shall mean the said Lords and others of Her Majesty's Privy Council, or any Two of them.

Clause A. Orders under 11 & 12 Vict. c. 107. s. 4.

4. The Orders made under the Principal Act by the said Privy Council, and dated respectively the Twenty-fourth Day of March and the Eleventh Day of April One thousand eight hundred and sixty-six, shall be deemed to have been authorized by the said Principal Act, and to be of the same Force as if contained in the said Act, subject to the Power of the said Privy Council to alter, vary, or revoke the same.

And the said Privy Council may, under the Authority of the said Principal Act, make the like or any other Orders which they may deem it expedient to make for the Purpose of preventing the spreading within Great Britain of contagious or infectious Disorders amongst Animals, and may in any such Order direct the slaughtering of any Animals affected by such Disorders. And the said Privy Council may require any Local Authority, by themselves or their Officers, or by any Committee appointed by such Local Authority, to carry into effect within their District any such Orders, and may authorize any Local Authority or Committee of such Local Authority

Authority to make any Regulations for the Purpose of preventing the spreading of such Disorders, subject to such Conditions as may be imposed by the said Privy Council.

Penalties and Forfeitures in England.

5. Penalties and Forfeitures under the Principal Act and this Act, or either of such Acts, or any Order made thereunder, and Expenses directed to be recovered in a summary Manner, shall be recovered in England in manner directed by an Act passed in the Session holden in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen Victoria, Chapter Forty-three, intituled "An Act to facilitate "the Performance of the Duties of Justices of the Peace out of "Sessions within England and Wales, with respect to Summary "Convictions and Orders," or any Act amending the same.

An Appeal may be had from a Decision of a Justice or Justices under this Act to the Court of General or General Quarter Sessions in manner provided by the Principal Act.

One Half of all Penalties and Forfeitures recovered shall be paid to the Person who sues or proceeds for the same, and the other *Half* shall be applied in manner directed by the last-mentioned Act.

Penalties and Forfeitures in Scotland.

6. Penalties and Forfeitures under the Principal Act and this Act, or either of such Acts, or any Order made thereunder, shall, in Scotland, be recovered in manner directed by the Summary Procedure Act, 1864; and the Term "Justice or Justices" shall include any Magistrate having Jurisdiction in Scotland under the said Act.

Publication of Order by the Privy Council.

7. Notwithstanding anything contained in the Principal Act, any Order or Regulation made by the Privy Council in pursuance of the Principal Act and this Act, or either of such Acts, shall be valid if published once in the London Gazette, unless it relates to any particular County, Town, or other Place, in which Case it shall not be valid unless it be also published in some Newspaper circulating in such County, Town, or other Place, or in such other Manner as the Privy Council may direct.

Any Order or Regulation made by a Local Authority shall be published in such Manner as the Privy Council may direct.

The Expense of the local Publication of any Order or Regulation of the Privy Council shall be defrayed by the Local Authority of the Place where any such Order or Regulation is published, and the Expense of publishing any Order or Regulation of a Local Authority shall be defrayed by such Local Authority.

Evidence of Orders.

8. Any Order or Regulation of the Privy Council made before or after the passing of this Act in pursuance of the Principal Act and this Act, or either of such Acts, may be proved by the Production of a Copy of the Gazette containing such Order or by the Production of a Copy of such Order purporting to be printed by the Printers of Her Majesty. Any Order or Regulation made or issued before or after the passing of this Act by any Local Authority in pursuance of the Principal Act and of this Act, or either of such Acts, or in pursuance of any Order of the Privy Council made under such Acts or either of them, may be proved in any of the Modes herein-after mentioned:

First, by the Production of a Copy of a Newspaper containing a Copy of such Order or Regulation; or,

Secondly, by the Production of a printed Copy of such Order or Regulation, purporting to be certified to be a true Copy by the Clerk of the Peace where the Authority are Justices in General or Quarter Sessions assembled, or by the Clerk of Supply in the Case of Counties in Scotland, or by the Town Clerk or other Officer performing the Duties of a Town Clerk in the Case of an Authority having a Town Clerk or other Officer as aforesaid, or by such other Officer as the said Privy Council may prescribe:

And any Order or Regulation mentioned in this Section shall, until the contrary is proved, be deemed to have been duly made and issued at the Time at which it bears Date; and in the Case of an Order declaring a Place to be an "infected Place" by reason of the Existence therein of any infectious or contagious Disorder amongst Animals, the Order itself shall be conclusive Evidence of the Existence of such Disorder.

Stamp Duty and Fees not to be paid on Certificates.

9. No Stamp Duty shall be payable on, and no Fee or other Charge shall be demanded or made for, any Appointment, Certificate, Declaration, or Licence under the Principal Act or this Act, or either of such Acts, or any Order or Regulation made thereunder.

Repeal of 11 & 12 Vict. c. 107. ss. 8–22.

10. Sections Eight to Sixteen, and Sections Nineteen to Twenty-two, inclusive, of the Principal Act shall be repealed.

A

BILL

[AS AMENDED IN COMMITTEE]

To amend the Act of the Eleventh and Twelfth Years of Her present Majesty, Chapter One hundred and seven, to prevent the spreading of contagious or infectious Disorders among Sheep, Cattle, and other Animals.

(*Prepared and brought in by Sir George Grey and Mr. Baring.*)

Ordered, by The House of Commons, *to be Printed*, 10 *April* 1866.

[Bill 96.]

Under 1 *oz.*

Cattle Diseases Bill.

ARRANGEMENT OF CLAUSES.

Clause.

Preamble.

1. Short Title of Act.
2. Application of Act.
3. Definition of Terms.
4. Definition of "District," "Local Authority," "Local Rate," and "Clerk of Local Authority."
5. Local Authority in Counties in Scotland.
6. Power to assemble General Sessions.
7. Power of Local Authority to form Committee of its own Members and others.
8. Appointment of Joint Committee.
9. Proceedings of Joint Committee.
10. Appointment of Inspectors and other Officers.
11. Power of Entry for Inspectors, &c.

PART I.

TEMPORARY PROVISIONS.

12. Limit of Duration of Part I.

Slaughter of diseased Animals.

13. Slaughter of diseased Animals.
14. Burial of diseased Animals.
15. Purification of Sheds, &c. of diseased Animals.
16. Slaughter of Cattle herded with diseased Animals.
17. Value of slaughtered Animals.
18. Cattle slaughtered by Order of Inspectors previous to Act.

Isolation of infected Places.

19. Isolation of infected Places.
20. Rules as to infected Places.

Movement of Cattle.

21. Regulations as to Movement of Cattle.
22. Power of Local Authority to make Prohibitions.

Clause.

Markets and Fairs.

23. Prohibition of Markets and Fairs.
24. Regulation as to Cattle sold in Markets.

Special Regulations within the Metropolis.

25. Movement of Cattle, &c. within the Metropolis.

PART II.

Cattle affected with Plague.

26. Notice of Disease in Cattle.
27. Separation of diseased Cattle.
28. Movement of diseased Cattle.
29. Public Exposure of diseased Cattle.
30. Burial of Animals affected with Cattle Plague.

Expenses.

31. Expenses of Local Authority.
32. Regulations as to Cattle Rate.
33. Power to remit Rate in certain Cases.
34. Mode of levying and recovering Assessments in Scotland.
35. Mortgage of Rates.
36. Certain Clauses of 10 & 11 Vict. c. 16. incorporated.
37. Public Works Loan Commissioners may lend Money.
38. Expenses of Joint Committee, how charged.
39. Payment of Expenses to Joint Committee.

Miscellaneous.

40. Reports by Local Authority to Privy Council.
41. Purchase of Land for Burial of diseased Animals.
42. Form of Licences.
43. Cleaning Trucks, &c.

Legal Proceedings and Saving Clauses.

44. Penalty for Disobedience of Act or Order.
45. Power of Constable to stop Cattle.
46. Local Authority may apply to the Procurator Fiscal.
47. Sheriff in Scotland to have concurrent Jurisdiction.
48. Recovery of Penalties.
49. Appeal.
50. Confirmation of Orders.
51. Expenses incurred prior to passing of Act.

SCHEDULES.

A

B I L L

TO

Amend the Law relating to Contagious or Infectious Diseases in Cattle and other Animals.

WHEREAS it is expedient to amend the Law relating to Contagious or Infectious Diseases in Cattle and other Animals: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. This Act shall be cited for all Purposes as "The Cattle Diseases Prevention Act, 1866." Short Title of Act.

2. This Act shall not apply to Ireland. Application of Act.

3.— Definition of Terms:

"Person" shall include a Body of Persons corporate or unincorporate: "Person:"

"Cattle" shall mean Bull, Cow, Ox, Heifer, or Calf: "Cattle:"

"Animal" shall mean Cattle, as above defined, Sheep, Goats, and Swine: "Animal:"

"Cattle Plague" shall mean the Rinderpest or Disease commonly called the Cattle Plague: "Cattle Plague:"

"Municipal Borough:" "Municipal Borough" or "Borough" shall mean any Place for the Time being subject to an Act passed in the Session holden in the Fifth and Sixth Years of the Reign of King William the Fourth, Chapter Seventy-six, intituled "An Act to provide "for the Regulation of Municipal Corporations in England "and Wales:"

"County:" "County" shall not include a County of a City or County of a Town, but shall include any Riding, Division, or Parts of a County having a separate Commission of the Peace:

The Liberty of St. Albans, and the Liberty of the Isle of Ely, and the Soke of Peterborough, shall respectively be deemed to be separate Counties, but all other Liberties and Franchises of Counties shall be considered as forming Part of the County by which they are surrounded, or if partly surrounded by Two or more Counties, then as forming Part of that County with which they have the longest Common Boundary:

"The Metropolis." "The Metropolis" shall include all Parishes and Places in which the Metropolitan Board of Works have Power to levy a Main Drainage Rate, with the Exception of the City of London and the Liberties thereof.

Definition of "District," "Local Authority," "Local Rate," and "Clerk of Local Authority."

4. For the Purposes of this Act "District," "Local Authority," "Local Rate," and "Clerk of Local Authority" shall respectively mean the Places, Bodies of Persons, Rate, and Officer in the First Schedule hereto annexed in that Behalf mentioned.

Local Authority in Counties in Scotland.

5. As soon as conveniently may be after the passing of this Act the Commissioners of Supply in every County in Scotland shall meet and nominate not less than or more than of their Number to act on the County Board for the Purposes of this Act, and shall intimate to the Lord Lieutenant of the County the Number and Names of the Persons so appointed; and the Lord Lieutenant shall forthwith nominate an equal Number of Persons being Tenants of Agricultural Subjects within such County to act on the County Board, and the Persons so nominated by the Commissioners of Supply and Lord Lieutenant respectively shall, with the Sheriff of the County, or, in his Absence, any of his Substitutes within such County as he may direct, constitute the Local Authority; and so far as not otherwise provided by this Act, such Local Authority shall have all the Powers conferred on the Local Authority by this Act, and shall have Power to elect a Chairman, specify a Quorum, and make all Regulations necessary for carrying the Purposes of this Act into effect; and in the event of the Commissioners of Supply or the Lord Lieutenant respectively failing to make such Nomination within Days, it

it shall be lawful for One of Her Majesty's Principal Secretaries of State to make such Nomination; and if any Local Authority fails to take Measures to carry out the Purposes of this Act, it shall be competent to the Secretary of State to direct, in such Way as he may think proper, the Execution of all necessary Provisions for that Purpose at the Sight of the Sheriff of the County.

Power to assemble General Sessions.

6. Any Two or more Justices of a County may, by Writing under their Hands, require the Clerk of the Peace to summon a General Sessions of the Justices of the County, for the Purpose of carrying into effect the Provisions of this Act.

Upon the Receipt of such Requisition the Clerk of the Peace shall, by Letter sent by Post, and addressed to each of the Justices qualified as such, and resident in the County, summon the Justices to assemble at a Time and Place to be mentioned in such Letter, such Time not being earlier than Three clear Days from the Date of the Letter.

The Justices assembled at the Time and Place aforesaid, or any Two of them, shall form a Court of General Sessions, and such Court shall, for the Purposes of this Act, have all the Power by this Act conferred on the Justices in General or Quarter Sessions assembled, as the Local Authority of a District.

A General Sessions may adjourn from Time to Time and from Place to Place in pursuance of a General Order made by them in that Behalf, or of any Special Order naming any particular Adjournment.

No Proof shall be required of the Clerk of the Peace having duly sent Letters in pursuance of this Section, and no General Sessions shall be invalidated by reason of the Non-receipt by any Justice or Justices of a Letter of Summons from the Clerk of the Peace.

Power of Local Authority to form Committee of its own Members and others.

7. Any Local Authority may form One or more Committee or Committees consisting wholly of its own Members, or partly of its own Members and partly of such other Persons, being rated Occupiers in the District and qualified in such other Manner as the Local Authority may determine, and may delegate to such Committee all or any Powers conferred on them by this Act, excepting the Power to make a Rate, and may from Time to Time revoke or alter any Power so given to such Committee.

A Committee may elect a Chairman of their Meetings. If no such Chairman is elected, or if he is not present at the Time appointed for holding the same, the Members present shall choose One of their Number to be Chairman of such Meeting. A Committee may meet and adjourn as they think proper. Every Question at a Meeting shall be determined by a Majority of Votes of the

Members present, and voting on that Question; and in case of an equal Division of Votes the Chairman shall have a Second or Casting Vote.

The Proceedings of a Committee shall not be invalidated by any Vacancy or Vacancies amongst its Members, or, in Case of a County, by the Termination of the Sessions by which they were appointed.

Appointment of Joint Committee.

8. Two or more Local Authorities, herein-after referred to as the Constituent Local Authorities, may delegate all or any of the Powers conferred on them by this Act, excepting the Power to make a Rate, to a Joint Committee, consisting of such Number of Persons, to be chosen and qualified in such Manner, and with such Provisions as to filling up Vacancies, as the said Authorities may determine; and every Order made by such Joint Committee shall have the same Effect throughout the Districts of each of the Constituent Authorities as if it were a Regulation made by the Constituent Authority itself.

Proceedings of Joint Committee.

9. A Joint Committee shall meet for the Despatch of Business, and shall from Time to Time make such Rules with respect to the summoning, Notice, Place, Management, and Adjournment of such Meetings, and generally with respect to the Transaction and Management of Business, including the Quorum at Meetings of the Committee, as it thinks fit.

A Joint Committee shall appoint One of their Members to be Chairman and One other of their Members to be a Vice-Chairman for such Time as it thinks fit.

If at any Meeting the Chairman is not present at the Time appointed for holding the same, the Vice-Chairman shall be the Chairman of the Meeting, and if neither the Chairman nor Vice-Chairman shall be present then the Members present shall choose some One of their Number to be Chairman of such Meeting.

In case of an Equality of Votes at any Meeting, the Chairman for the Time being of such Meeting shall have a Second or Casting Vote.

The Proceedings of a Joint Committee shall not be invalidated by any Vacancy or Vacancies amongst its Members.

Appointment of Inspectors and other Officers.

10. Every Local Authority shall with all convenient Speed appoint such Number of Inspectors, Cattle Overseers, and other Officers as it shall think necessary for carrying into effect the Provisions of this Act within its District. It shall assign them such Duties, and award them such Salaries or Allowances as it thinks expedient; and no Stamp shall be required on the Appointment of any Officer made in pursuance of this Act.

11. Any

Power of Entry for Inspectors, &c.

11. Any Inspector, Cattle Overseer, or other Officer appointed by the Local Authority to carry into effect the Provisions of this Act, and any Constable or Police Officer, may, at all Times, enter any Field, Stable, Cow Shed, or other Premises within his District where he has reasonable Grounds for supposing that Cattle affected by the Cattle Plague are to be found, for the Purpose of carrying into effect the Provisions of this Act; and if any Person refuses Admission to or obstructs or impedes or aids in obstructing or impeding any such Inspector, Cattle Overseer, Constable, Police or other Officer, he shall for each Offence be liable to a Penalty not exceeding *Twenty Pounds*.

PART I.

TEMPORARY PROVISIONS.

Limit of Duration of Part I.

12. Part I. of this Act shall continue in force till the *Fifteenth Day of April One thousand eight hundred and sixty-six*, and no longer, unless continued by Order of Her Majesty in Council; and it shall be lawful for Her Majesty, by Order in Council, from Time to Time to continue all or any of the Provisions in this Part of this Act contained for such Time as is specified in such Order.

Slaughter of diseased Animals.

Slaughter of diseased Animals.

13. Every Local Authority shall cause all Animals affected with the Cattle Plague within its District to be slaughtered, and shall, by way of Compensation for every Animal so slaughtered, pay to the Owner thereof such Sum not exceeding *Twenty Pounds* as may equal Two Thirds of the Value of the Animal.

Burial of diseased Animals.

14. Every Local Authority shall cause every Animal that has died of Cattle Plague, or has been slaughtered in consequence of being affected with Cattle Plague within its District, to be buried as soon as possible in its Skin in some proper Place, and to be covered with a sufficient Quantity of Quicklime or other Disinfectant, and with not less than Six Feet of Earth.

Purification of Sheds, &c. of diseased Animals.

15. Every Local Authority shall, within its District, cause the Yard, Shed, Stable, Field, or other Premises in which any Animal affected with Cattle Plague has died or been slaughtered, to be thoroughly cleansed and disinfected, and all Hay, Straw, Litter, Dung, or other Articles that have been used in or about any such Animal, to be burnt or otherwise destroyed; and no fresh Animal

shall be admitted into any Yard, Shed, Stable, Field, or other Premises in which any Animal affected with Cattle Plague has died or been slaughtered, until the Expiration of Thirty Days after the cleansing and disinfecting of such Premises in pursuance of this Act; and every Local Authority shall prescribe the disinfecting the Clothes of, and the Use of due Precautions by Inspectors, Cattle Overseers and others in contact with Animals affected by the Cattle Plague, with a view to prevent the spreading of Contagion.

Slaughter of Cattle herded with diseased Animals.

16. A Local Authority may, if it thinks fit, cause to be slaughtered any Animal that has been in the same Shed or Stable, or in the same Herd or Flock, or in contact with any Animal affected with Cattle Plague within its District; and the Owner of any Animal so slaughtered may either dispose of the Carcase on his own Account, with a Licence from some Officer appointed in that Behalf by a Local Authority, or may require the Local Authority to dispose of the same, in which Case such Local Authority shall pay to the Owner thereof, by way of Compensation, such Sum, not exceeding *Twenty-five Pounds*, as may equal Three Fourths of the Value of the Animal slaughtered.

Value of slaughtered Animals.

17. The Local Authority may require the Value of any Animal slaughtered under this Act to be ascertained by Officers of the Local Authority or by Arbitration, and generally may impose Conditions as to Evidence of the Slaughter and Value of the Animals slaughtered.

Cattle slaughtered by Order of Inspectors previous to Act.

18. Whenever Cattle have been slaughtered within the District of any Local Authority before the passing of this Act by or by the Direction of any Inspector appointed under any Order of the Lords of Her Majesty's Privy Council, and under the Powers conferred on such Inspector by the Orders of the said Lords dated the Twenty-sixth Day of August and Twenty-second Day of September One thousand eight hundred and sixty-five, or any of such Orders, Compensation shall be paid by such Local Authority in respect of such Cattle in the same Manner in all respects as if they had been Animals affected with the Cattle Plague slaughtered under the Provisions of this Act: Provided that no Compensation shall be paid in respect of any Cattle slaughtered by reason of the Owner or Person in charge thereof having disobeyed the lawful Orders of an Inspector.

Isolation of infected Places.

Isolation of infected Places.

19. Every Local Authority may, by Notice published in such Manner as it thinks expedient, declare any Place within its District in which Cattle Plague at that Time exists, together with such an Area,

Area, including such Place, as to such Local Authority may seem to be required, to be an infected Place; and such Local Authority shall, at the Expiration of One Month after the Disappearance of Cattle Plague in any infected Place, by Notice published in like Manner, declare such infected Place to be free from Cattle Plague; and after the Publication of such last-mentioned Notice such Place shall cease to be an infected Place within the Meaning of this Act, unless again declared to be infected in manner aforesaid.

The Area of an infected Place may be described by Reference to a Map deposited at some specified Place, or by Reference to Parishes, Townships, Farms, or otherwise as the Local Authority may think expedient.

Rules as to infected Places.

20. The following Rules shall be observed with respect to infected Places:

1. No Cattle shall be moved out of or into an infected Place, or along any Highway within an infected Place:
2. No Hides, Horns, Hoofs, or other Parts of Cattle, shall be removed from an infected Place, unless with a Licence from some Officer appointed in that Behalf by the Local Authority certifying that such Articles have not formed Part of an Animal affected by Cattle Plague, and have been properly disinfected, if necessary:
3. No Dung of Cattle, and no Hay, Straw, Litter, or other Articles that have been used in or about Cattle, shall be removed from an infected Place:

And any Local Authority may make Orders as to the shutting up Dogs in an infected Place and the Destruction of stray Dogs found within or coming out of the same.

Movement of Cattle.

Regulations as to Movement of Cattle.

21. All Cattle brought by Sea from any Place in Great Britain or from any Place out of the United Kingdom into any Town or Place in Great Britain shall be marked by clipping the Hair off the End of the Tail, and no such Cattle shall be removed alive from such Town or Place by Land.

No Cattle shall be moved, except by Railway, after Sunset and before Sunrise, except within the Limits of the Metropolis, inclusive of the City of London.

No Animal shall be taken into the District of any Local Authority contrary to any Prohibition of that Local Authority for the Time being in force.

No Cattle shall be moved along any Highway within the District of a Local Authority, except for a Distance not exceeding Two hundred Yards from Part to Part of the same Farm, where the Local

Authority has prohibited such Movement; and where no such Prohibition exists, no Cattle shall be moved along any Highway within the District of a Local Authority, except as aforesaid, without the Licence or contrary to the Tenor of the Licence of such Local Authority.

No Cattle shall be put on any Railway after Sunset or before Sunrise, or at any Time, without the Licence or contrary to the Tenor of the Licence of the Local Authority of the District within which such Cattle are put upon the Railway; but Cattle may, with such Licence and without any further Licence, be carried by Railway to any Place where no Prohibition is in force against the Reception of such Cattle, provided that such Cattle shall not pass through any infected Place.

A Licence under this Section may be given by the Local Authority, or by some Person duly authorized in Writing by such Local Authority to give such Licence, and such Licence shall be in such Form and subject to such Conditions as the Local Authority may think expedient.

Every Person in charge of Animals moved under this Section shall carry with him the Licence authorizing their Movement, and shall produce the same, on Demand, to any Constable, Police Officer, or Officer of a Local Authority, and, if he fail to produce the same, the same Proceedings may be had as if no Licence had been granted for the Movement of such Animals.

Power of Local Authority to make Prohibitions.

22. Every Local Authority shall have Power by Order to prohibit altogether or to impose Restrictions or Conditions on the Introduction into its District, and also on the Removal from Place to Place within its District, of

1. Animals or any specified Description thereof, excepting for a Distance not exceeding Two hundred Yards from Part to Part of the same Farm:
2. Raw or untanned Hides or Skins, Horns, Hoofs, or Offal of Animals, or of any specified Description thereof, except Hides, Skins, Horns, or Hoofs imported into the United Kingdom from India, Australia, South Africa, or America:
3. Hay, Straw, Litter, or other Articles that have been used in or about Animals.

Markets and Fairs.

Prohibition of Markets and Fairs.

23. No Market, Fair, Auction, Exhibition, or Public Sale of Cattle, shall be held during the Time that this Part of the Act is in force, except as herein-after mentioned; that is to say,

A Market for the Sale of Cattle intended for immediate Slaughter may be held, with the Licence of the Local Authority of the District:

District: Provided, that in case of Boroughs or Burghs containing less than Forty thousand Inhabitants, according to the last Census, a Licence to hold a Market in such Borough or Burgh shall not be valid unless confirmed by the Local Authority of the County in which such Borough or Burgh is geographically situate; or, if it adjoins more than One County, by the Local Authority of each of such Counties.

A Licence granted under this Section shall be in the Form specified in the Second Schedule hereto annexed, and may be granted subject to any Conditions as to the holding of such Market not inconsistent with this Act; and such Licence may at any Time be revoked by the Local Authority which granted it, and where a Licence requires Confirmation by any Local Authority, such Licence may be revoked by the Local Authority which granted it, or by any Local Authority which confirmed it.

Regulation as to Cattle sold in Markets.

24. During the Time that this Part of the Act is in force no Cattle shall be removed from any Market until they have been marked in the Manner in which Cattle are ordinarily marked for Slaughter according to the Custom of such Market, or, if there is no such Custom, by clipping the Hair off the End of the Tail; and no Cattle required to be marked by this Section shall be taken alive from the City, Town, or Place within the Limits of which the Market is situated, except in case of a Market which is situated within a Mile of a City or Town, but is not within the same Jurisdiction for the Purposes of this Act as such City or Town, and is the ordinary or customary Market of such City or Town, in which Case any Cattle sold at such Market and marked as aforesaid, may with the Consent of the Local Authority of such City or Town be removed from such Market into such City or Town.

Special Regulations within the Metropolis.

Movement of Cattle, &c. within the Metropolis.

25. The following Regulations shall be in force as respects the Movement of Cattle and the holding of Markets within the Metropolis, including the City of London and the Liberties thereof:

1. No Market, Fair, Exhibition, or public Sale of Cattle shall be held, excepting the Metropolitan Cattle Market; and no Cattle shall be allowed to be removed from the said Market unless sold, and marked by clipping the Hair off the End of the Tail; and every Person buying any Cattle in the said Market shall slaughter the same or cause the same to be slaughtered within Seven Days of such Purchase:
2. No Cattle shall be removed from the Metropolis, except into the City of London or the Liberties thereof; provided that

where any Person occupies a Farm, or other contiguous Premises, situate partly within and partly without the Metropolis, he may, with a Licence from the Commissioner of Police of the Metropolis, which Licence such Commissioner is hereby empowered from Time to Time to grant, and, if he think fit, to revoke, and for a Time not exceeding Seven Days from the Date of such Licence, move from One Part of such Premises to another any Animal not affected by the Cattle Plague which has been in his own Possession for Fourteen Days previous to the Date of such Licence, and has been marked in such Manner as the said Commissioner of Police may direct:

3. No Cattle shall be moved along any Highway, Thoroughfare, or public Place within the Metropolis, except for a Distance not exceeding Two hundred Yards from Part to Part of the same Farm, without a Licence from the said Commissioner of Police; and every such Licence shall state the Number and Description of Animals licensed to be removed, and the Place of their Destination, and shall be valid only for Twenty-four Hours from the Date thereof; provided that this Clause of this Order shall not apply to any Animals intended for immediate slaughtering, which are sent to or from the said Metropolitan Cattle Market.

PART II.

Cattle affected with Plague.

Notice of Disease in Cattle.

26. Every Person having in his Possession, or under his Charge, any Animal affected with the Cattle Plague shall forthwith give Notice thereof to the Inspector or Cattle Overseer of the District, if one has been appointed under this Act, or, if no such Officer has been appointed, to the Clerk of the Local Authority.

Separation of diseased Cattle.

27. Every Person having in his Possession, or under his Charge any Animal affected with the Cattle Plague, shall keep such Animal until it is slaughtered separate from all other Animals not affected with the Cattle Plague; and shall not move such Animal, or allow the same to be moved, alive from his Premises.

Movement of diseased Cattle.

28. No Person having in his Possession, or under his Charge, any Cattle that have been in the same Shed or Stable, or in the same Herd or Flock, or in contact with any Animal affected with the Cattle Plague, shall move such Cattle, or allow the same to be moved,

moved, alive from the Premises where the same may be without the Licence in the Metropolis of the Commissioner of Police of the Metropolis; in the City of London and the Liberties thereof of the Commissioner of Police for the City of London; and elsewhere of an Inspector or Cattle Overseer, where such an Officer has been appointed, and of a Justice of the Peace where no such Officer has been appointed; and such Licence shall only permit the Removal of the Cattle to some Place where they can be conveniently kept apart from all other Cattle, and there be detained until the Authority that granted the Licence is satisfied that there is no reasonable Probability of such Cattle propagating the Disorder.

Public Exposure of diseased Cattle.

29. No Person shall—

(1.) Turn out or allow to continue turned out in any Forest, Chase, Wood, Heath, Common, open Field, Road Side, or other undivided or uninclosed Land, or in any Field or other Place insufficiently fenced to prevent the Egress of Cattle, any Animal affected with the Cattle Plague; or

(2.) Take or send any Animal affected with Cattle Plague along any Highway; or

(3.) Expose for Sale any Animal affected with Cattle Plague in any Market, Fair, or other Place, whether public or private, or bring or send the same for the Purpose of Sale into any Market, Fair, or other Place as aforesaid; or

(4.) Bring or send any Animal affected with Cattle Plague into the Station or within the Premises of any Railway, Boat, Canal, or other Company by which Cattle are carried; or

(5.) Carry any Animal affected with Cattle Plague on any Railway, or by any Ship or Vessel Coastwise.

Burial of Animals affected with Cattle Plague.

30. Every Animal affected with Cattle Plague shall, when dead, be buried as soon as possible in its Skin in some proper Place, and be covered with a sufficient Quantity of Quicklime or other Disinfectant, and not less than Six Feet of Earth.

Expenses.

Expenses of Local Authority.

31. All Expenses incurred by a Local Authority in pursuance of this Act, including any Compensation payable by it in respect of Animals slaughtered in pursuance of this Act, shall be defrayed, as to Two-third Parts thereof, out of the Local Rate, as defined by this Act, or out of a separate Rate to be levied in all respects in the same Manner as the Local Rate, and included under the Term "Local Rate"; and as to the remaining One-third Part thereof, out of the Cattle Rate herein-after provided.

Any Person who is not the Owner of the Premises in respect of which he is rated, under this Section, to the Local Rate may deduct from the growing Rent due to the Owner of such Premises One Half of the Rate payable by him for the Purposes of this Act, and every Owner shall allow such Deduction accordingly.

"Owner" for the Purposes of this Section shall mean the Person for the Time being entitled to receive the Rackrent of the Premises in respect of which the Rate is made on his own Account, or who would be entitled to receive the same if such Premises were let at a Rackrent, including under the Term "Rackrent" any Rent which is not less than Two Thirds of the net annual Value of the Premises out of which the Rent issues.

If the full Amount of Cattle Rate authorized to be levied under this Act is insufficient to defray the Portion of the Expenses hereby charged upon it the Deficiency shall be made good out of the Local Rate.

A separate Account of the Amount of Local Rate levied under this Section shall be kept.

Regulations as to Cattle Rate.

32. The following Regulations shall be made as to a Cattle Rate:

1. The Rate shall be payable to the Local Authority of the District in respect of all Cattle One Year old and upwards possessed by any Person within such District after the passing of this Act:
2. The Rate shall not exceed in any One Year Five Shillings a Head in respect of such Cattle:
3. A Cattle Rate may be levied at any Interval of Time not less than Three Months:
4. The Local Authority shall, when such Rate is first imposed, require a Return to be made on a specified Day to such Officers as it may appoint, of the greatest Number of such Cattle possessed by any Person within its District on any One Day between the passing of this Act and the Date of such Return, and in the Case of a subsequent Return for the Purpose of any subsequent Rate such Local Authority shall require a like Return of the greatest Number of Cattle held by any Person on any One Day during the Three Months immediately preceding the Date of such further Return, and the Rate shall be payable in respect of the Cattle appearing by such Return to have been possessed by the Person liable to pay the Rate:

4. Any Person making a false Return of the Cattle held by him shall be liable to a Penalty not exceeding Twenty Pounds,

Pounds, and to pay double the Amount of Rate he would have been required to pay if he had made a true Return:

5. A Cattle Rate shall be collected by such Officers as the Local Authority may appoint, and that Authority may allow a reasonable Compensation to the Officers employed in the Collection:

6. A Cattle Rate shall be paid by the Owner of the Cattle, and if he make Default in paying the same when Due the Rate due and the Costs of recovering the same may be levied in the same Manner as Arrears of Poor's Rate:

7. If any Person feels aggrieved by any Cattle Rate made on him he may appeal to Two Justices in Petty Sessions, and such Justices may make such Order on the Appeal as they think just:

8. If any Person feels aggrieved by the Decision of the Justices in respect of the Cattle Rate, he may appeal therefrom to the next Court of General or Quarter Sessions, and such Court may make such Order on the Appeal as they think just.

Power to remit Rate in certain Cases.

33. Where, before the passing of this Act, any Person has suffered so great a Loss of Cattle by Cattle Plague, in respect of which he is not entitled to receive any Compensation under this Act, as to entitle him in the Opinion of the Local Authority to a Remission in whole or in Part of any Rate due from him for the Purposes of this Act, such Remission may be granted by the Local Authority.

Mode of levying and recovering Assessments in Scotland.

34. The Local Authority in Counties in Scotland shall from Time to Time give Notice to the Commissioners of Supply of the Sums necessary to be provided under the Provisions of this Act by means of the Local Rate, and the Amount so intimated shall be assessed by the Commissioners of Supply according to the Real Rent of Lands and Heritages as appearing on the Valuation Roll in force for the Year, and the Local Authority in Burghs in Scotland shall in like Manner assess the Amount required to be raised by Local Rate within such Burgh, and all such Assessments shall be payable by the Tenant who shall be entitled to deduct One Half thereof from the Rent payable by him to the Proprietor, and all the Provisions in regard to the Recovery of Assessments in the Act Twentieth and Twenty-first Victoria, Chapter Seventy-two, intituled "An Act "to render more effectual the Police in Counties and Burghs in "Scotland," shall be held to be incorporated in this Act in so far as not inconsistent with its Provisions.

 35. Whenever

Mortgage of Rates.

35. Whenever the Local Rate levied for the Purposes of this Act exceeds the Sum of Sixpence in the Pound, a Local Authority may, for the Purposes of defraying any Costs, Charges, and Expenses incurred by it under this Act, borrow and take up at Interest, on the Credit of the Local Rate and Cattle Rate authorized to be levied by it under this Act, or One of such Rates, any Sums of Money necessary for defraying such Costs, Charges, and Expenses; and for the Purpose of securing the Repayment of any Sums of Money so borrowed, together with such Interest as aforesaid, the Local Authority may mortgage and assign over the said Rates or any of them for any Period not exceeding Seven Years to the Persons by or on behalf of whom such Sums are advanced.

Certain Clauses of 10 & 11 Vict. c. 16. incorporated.

36. The Clauses of the Commissioners Clauses Act, 1847, with respect to Mortgages to be created by the Commissioners, shall form Part of and be incorporated with this Act, and any Mortgagee or Assignee may enforce Payment of his Principal and Interest by Appointment of a Receiver. In the Construction of those Clauses the Commissioners shall mean "the Local Authority."

Public Works Loan Commissioners may lend Money.

37. The Public Works Loan Commissioners, as defined by "The Public Works Loan Act, 1853," may, with the Approval of the Lords Commissioners of the Treasury, advance to any Local Authority, upon the Security of any Rate applicable to the Purposes of this Act, without any further Security, to be repaid within a Period not exceeding Seven Years, any Sums of Money to be applied by such Authority in carrying into effect the Purposes of this Act.

Expenses of Joint Committee, how charged.

38. Any Expenses incurred by a Joint Committee in pursuance of this Act shall be defrayed by the Districts of the Constituent Authorities in proportion to the Value of the Property in each District assessed to the said Local Rate.

Payment of Expenses to Joint Committee.

39. For the Purpose of obtaining Payment from the several Constituent Authorities of the Sums to be contributed by them the Joint Committee shall order Precepts to be issued to each Authority, stating the Sum to be contributed, and requiring the Authority to whom the Precept is addressed, within a Time limited by the Precept, to pay the Sums therein mentioned to the Joint Committee or to such Person as it may direct.

Any Sum mentioned in a Precept addressed by a Joint Committee to a Constituent Authority as aforesaid shall be deemed to be Expenses properly incurred by such Local Authority for the Purposes of this Act, and shall be raised accordingly.

If

If any Constituent Authority make default in complying with the Precept addressed to them, the Joint Committee may apply to the Justices in Petty Sessions, and such Justices may endorse a Copy of the Precept in respect of which such Constituent Authority is in default with a Declaration that the Sum therein mentioned is payable by the Constituent Authority, and any Precept so endorsed shall be deemed to be a Precept duly issued by the Constituent Authority for the Payment of Expenses properly incurred by them in pursuance of this Act, and may be enforced accordingly.

Any Costs, Charges, and Expenses properly incurred by the Joint Committee in procuring the Payment of a Precept issued by them shall be added to the Sum payable under the Precept, and be recovered in the same Manner, and the Endorsement by any Two Justices of the Amount of such Costs, Charges, and Expenses shall be conclusive Evidence of the same.

Miscellaneous.

Reports by Local Authority to Privy Council.

40. Every Local Authority shall send to the Privy Council Copies of all Orders made by them in pursuance of this Act.

Purchase of Land for Burial of diseased Animals.

41. Any Local Authority may purchase a Piece or Pieces of Land for the Purpose of burying therein Animals dying of Cattle Plague or slaughtered under this Act, and in order to facilitate any such Purchase, the Provisions of "The Lands Clauses Consolidation Act, 1845," relating to the Purchase of Land by Agreement, shall be incorporated with this Act.

Form of Licences.

42. All Licences under this Act shall be in Writing, or partly in Writing and partly in Print, and no Charge shall be made for the Issue or Grant of any Licence required by this Act or by any Order made pursuant to this Act.

Cleaning Trucks, &c.

43. Every Railway, Canal, or other Company that carries Animals for Hire within any Part of Great Britain shall, after any Animals have been taken out of, and before putting any other Animals into any Pen, Truck, or Boat, cause the said Pen, Truck, or Boat to be properly cleansed, and to be disinfected by a washing of Lime Water or by some other efficient Means.

Any Company making default in so cleansing and disinfecting any Pen, Truck, or Boat, shall be liable to a Penalty not exceeding *Five Pounds* in respect of each such Pen, Truck or Boat.

Legal Proceedings and Saving Clauses.

Penalty for Disobedience of Act or Order.

44. If any Person acts in Contravention of any Provisions in this Act contained, or any Order made by a Local Authority in pursuance of this Act, he shall for each Offence incur a Penalty not exceeding *Twenty Pounds*, and where any such Act is committed with respect to more than Four Animals, a Penalty not exceeding *Five Pounds* for each Animal may be imposed instead of the Penalty of *Twenty Pounds*.

Power of Constable to stop Cattle.

45. If any Person moves or otherwise deals with any Animal in Contravention of this Act or any Order made by a Local Authority in pursuance thereof, any Inspector, Cattle Overseer, or other Officer appointed by the Local Authority for carrying into effect the Purposes of this Act, or any Constable or Police Officer, may take such Offender into Custody, and detain him for such Time as may be necessary to bring him before Two Justices having Jurisdiction to adjudicate on the Penalty to be paid by him; any such Officer may also seize any Animals in the Charge of the Offender, and take them to some Place where they can be safely kept, and there detain them until he can obtain an Order of a Justice of the Peace respecting such Animals.

Any Justice to whom Application is made for an Order respecting Animals detained under this Section may order such Animals to be detained until such Time as he is satisfied whether or not they or any of them are affected by Cattle Plague, and may make such other Order with respect to their Disposal as he thinks necessary to prevent the Spreading of the Cattle Plague, so that he causes all such Animals as are affected by Cattle Plague to be slaughtered and buried in manner directed by this Act.

Any Expenses incurred under this Section may be recovered in a summary Manner from the Owner of the Animals in respect of which such Expenses have been incurred, and the Animals may be detained until all such Expenses have been defrayed; and if such Expenses are not paid within Four Days, the Animals may be sold by Public Auction or Private Contract, and the Monies arising from such Sale applied in Payment of the said Expenses, including the Expenses of the Sale, and the Overplus (if any) be returned to the Owner or Person in charge of the Animals.

No Compensation shall be given for any Animal slaughtered in pursuance of this Section.

Local Authority in Scotland may apply

46. In the event of any Person refusing or delaying to comply with the Order of any Local Authority in Scotland, the Local Authority may give Information thereof to the Procurator Fiscal of

of the County or Burgh, who may apply to the Sheriff for a Warrant to carry out such Order, and such Warrant may be executed by the Officers of Court in the usual Way. to the Procurator Fiscal.

47. In Scotland all the Judicial Powers given to Justices and Quarter Sessions by this Act may also be exercised by the Sheriff of the County or the Sheriff Substitute. Sheriff in Scotland to have concurrent Jurisdiction.

48. Penalties under this Act, and Expenses directed to be recovered in a summary Manner, may be recovered before Two Justices in manner directed by an Act passed in the Session holden in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen Victoria, Chapter Forty-three, intituled "An Act to "facilitate the Performance of the Duties of Justices of the Peace "out of Sessions within England and Wales with respect to "summary Convictions and Orders," or any Act amending the same, and in Scotland by summary Complaint before the Sheriff, Sheriff Substitute, or Two Justices in manner provided by the Summary Procedure Act, 1864. Recovery of Penalties.

49. If any Party feels aggrieved by the Dismissal of his Complaint by the Justices, or by any Determination or Adjudication of the Justices with respect to any Penalty or Forfeiture under this Act, the Party so dissatisfied may appeal therefrom, subject to the Conditions and Regulations following: Appeal.

1. The Appeal shall be made to some Court of General or Quarter Sessions for the County or Place in which the Cause of Appeal has arisen, holden not less than Fifteen Days and not more than Four Months after the Decision of the Justices from which the Appeal is made:
2. The Appellant shall, within *Three* Days after the Cause of Appeal has arisen, give Notice to the Clerk of the Petty Sessional Division for which the Justices act whose Decision is appealed from of his Intention to appeal, and of the Grounds thereof, and in Scotland to the Clerk of the Peace for the County:
3. The Appellant shall immediately after such Notice enter into a Recognizance, before a Justice of the Peace, with Two sufficient Sureties, conditioned personally to try such Appeal, and to abide the Judgment of the Court thereon, and to pay such Costs as may be awarded by the Court:
4. The Court may adjourn the Appeal, and may make such Order thereon as they think just:

But nothing in the present Section respecting Appeals shall affect any Enactments relative to Appeals in Cases of Summary Convictions

victions or Adjudications in the City of London or the Metropolitan Police District.

Confirmation of Orders.

50. All Orders made by the Lords of Her Majesty's Privy Council in pursuance of the Act of the Session of the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter One hundred and Seven, and all Orders made and Notices published by Local Authorities under the Powers conferred on them by such Orders of the Lords of Her Majesty's Privy Council shall be deemed to have been duly made and authorized by the said Act, and shall, so far as they are consistent with this Act, remain in full Force until they are revoked or have expired by Lapse of Time.

Expenses incurred prior to passing of Act.

51. All Expenses already incurred by any Local Authority as defined by the said Orders of the Lords of Her Majesty's Privy Council previous to the passing of this Act, in publishing any Notices or Advertisements in pursuance of or under any Authority derived from any Order of the Lords of Her Majesty's Privy Council made in pursuance of the said Act, shall be deemed to have been duly charged on any Rate out of which such Expenses have been defrayed; or such Expenses may be paid in like Manner as Expenses incurred pursuant to this Act.

SCHEDULE 1.

Districts of Local Authority.	Description of Local Authority.	Local Rate.	Clerk of Local Authority.
ENGLAND AND WALES.			
Counties except the Metropolis.	The Justices in General or Quarter Sessions assembled.	The County Rate, or Rate in the Nature of a County Rate.	Clerk of the Peace.
The City of London and the Liberties thereof.	The Court of the Lord Mayor and Aldermen of the said City.	Rate leviable by the Commissioners of Sewers for the City of London.	Town Clerk.
The Metropolis - -	The Metropolitan Board of Works.	Rate or Fund applicable to the Payment of the general Expenses of the Board, after deducting the Sum contributed by the City of London.	The Clerk of the Metropolitan Board of Works.
Boroughs - -	The Mayor, Aldermen, and Burgesses acting by the Council.	The Borough Fund or Borough Rate.	Town Clerk.
SCOTLAND.			
Counties - -	The Persons appointed in Sec. of this Act.	Rate appointed to be levied in Sec. of Act.	Clerk of the Peace.
Burghs - - -	The Magistrates and Town Council.	Do. Do. -	Town Clerk.

SCHEDULE 2.

THE [*here insert Description of Local Authority*] at a Meeting held upon the Day of hereby authorize a Market to be held for the Sale of Cattle intended for immediate Slaughter, and no other Description of Cattle, at [*here insert Place*] on [*here insert Day or Days*], subject to the following Conditions [*here insert Conditions, if any; and in the Case of a County, the Limits of the Place from which such Cattle are not to be removed alive.*]

Signed,

Clerk of Local Authority.

Cattle Diseases.

A

BILL

To amend the Law relating to Contagious or Infectious Diseases in Cattle and other Animals.

(*Prepared and brought in by Sir George Grey, Mr. Chancellor of the Exchequer, and Mr. Baring.*)

Ordered, by The House of Commons, *to be Printed*, 12 *February* 1866.

[Bill 6.]

Under 3 *oz.*

Cattle Diseases Bill.

[AS AMENDED IN COMMITTEE, ON RE-COMMITMENT, AND ON CONSIDERATION OF BILL AS AMENDED.]

ARRANGEMENT OF CLAUSES.

Clause.

Preamble.

1. Short Title of Act.
2. Application of Act.
3. Definition of Terms.
4. Definition of "District," "Local Authority," "Local Rate," and "Clerk of Local Authority."
5. Local Authority in Counties in Scotland.
6. Power to assemble adjourned Sessions.—CLAUSE A.
7. Meeting of Local Authority in Scotland.—CLAUSE B.
8. Power of Local Authority to form Committee of its own Members and others.
9. Appointment of Inspectors and other Officers.
10. Power of Entry for Inspectors, &c.

PART I.

TEMPORARY PROVISIONS.

11. Limit of Duration of Part I.

Slaughter of diseased Animals.

12. Slaughter of diseased Animals.
13. Burial of diseased Animals.
14. Purification of Sheds, &c. of diseased Animals.
15. Slaughter of Cattle herded with diseased Animals.
16. Value of slaughtered Animals.

Movement of Cattle.

17. Regulations as to Movement of Cattle.

PART II.

Clause.

Expenses.

18. Expenses of Local Authority.
19. Power to remit Rate in certain Cases. Application of Balance of voluntary Rate.
20. Amount of Insurance that may be recovered on slaughtered Animals.—Clause C.
21. Mode of levying and recovering Assessments in Scotland.
22. Mortgage of Rates.
23. Certain Clauses of 10 & 11 Vict. c. 16. incorporated.
24. Public Works Loan Commissioners may lend Money.

Miscellaneous.

25. Reports by Local Authority to Privy Council.
26. Purchase of Land for Burial of diseased Animals.

Legal Proceedings and Saving Clauses.

27. Penalty for Disobedience of Act or Order.
28. Local Authority in Scotland may apply to the Procurator Fiscal.
29. Sheriff in Scotland to have concurrent Jurisdiction.
30. Recovery of Penalties.
31. Appeal.
32. Confirmation of Orders.
33. Expenses incurred prior to passing of Act.
34. Continuance of Act.—Clause D.

Schedule.

A

B I L L

[AS AMENDED IN COMMITTEE, ON RE-COMMITMENT, AND ON CONSIDERATION OF BILL AS AMENDED]

TO

Amend the Law relating to Contagious or Infectious Diseases in Cattle and other Animals.

WHEREAS it is expedient to amend the Law relating to Contagious or Infectious Diseases in Cattle and other Animals: Preamble.

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act shall be cited for all Purposes as "The Cattle Diseases Prevention Act, 1866." Short Title of Act.

2. This Act shall not apply to Ireland. Application of Act.

3. "Person" shall include a Body of Persons corporate or unincorporate: Definition of Terms: "Person:"

"Cattle" shall mean Bull, Cow, Ox, Heifer, or Calf: "Cattle:"

"Animal" shall mean Cattle, as above defined, Sheep, Goats, and Swine: "Animal:"

"Cattle Plague:" "Cattle Plague" shall mean the Rinderpest or Disease commonly called the Cattle Plague:

"Municipal Borough:" "Municipal Borough" or "Borough" shall mean any Place for the Time being subject to an Act passed in the Session holden in the Fifth and Sixth Years of the Reign of King William the Fourth, Chapter Seventy-six, intituled "An Act to provide "for the Regulation of Municipal Corporations in England "and Wales," which is not assessed to the County Rate of any County by the Justices of such County:

"County:" "County" shall not include a County of a City or County of a Town, but shall include any Riding, Division, or Parts of a County having a separate Commission of the Peace:

The Liberty of St. Albans, and the Liberty of the Isle of Ely, and the Soke of Peterborough, shall respectively be deemed to be separate Counties, but all other Liberties and Franchises of Counties shall be considered as forming Part of the County by which they are surrounded, or if partly surrounded by Two or more Counties, then as forming Part of that County with which they have the longest Common Boundary:

"The Metropolis." "The Metropolis" shall include all Parishes and Places in which the Metropolitan Board of Works have Power to levy a Main Drainage Rate:

Every Place that is not, according to the foregoing Definitions, a Borough, a County, or a Part of the Metropolis, or is not separately mentioned in the Schedule hereunto annexed, shall be deemed to form Part of the County, as herein-before defined, to the County Rate of which it is assessed, or, if not so assessed, of the County within which it is situate.

Definition of "District," "Local Authority," "Local Rate," and "Clerk of Local Authority."

4. For the Purposes of this Act "District," "Local Authority," "Local Rate," and "Clerk of Local Authority" shall respectively mean the Places, Bodies of Persons, Rate, and Officer in the First Schedule hereto annexed in that Behalf mentioned: Provided that within the City of London and the Liberties thereof the Court of the Lord Mayor and Aldermen shall, for all the Purposes of this Act, except that of making a Rate, be deemed the Local Authority, but for the Purpose of making a Rate for the Purposes of this Act the Metropolitan Board of Works shall be the Local Authority.

Local Authority in Counties in Scotland.

5. As soon as conveniently may be after the passing of this Act the Commissioners of Supply in every County in Scotland shall meet and nominate not less than Four or more than Fifteen of their Number to act on the County Board for the Purposes of this Act, and shall intimate to the Lord Lieutenant of the County and the Convener of the County the Number and Names of the Persons so appointed; and the Lord Lieutenant shall forthwith nominate an equal

equal Number of Persons being Tenants of Agricultural Subjects, valued in the Valuation Roll in force for the Time at One hundred Pounds a Year or upwards, within such County to act on the County Board, and shall intimate the Names of the Persons so nominated to the Convener of the County, and the Persons so nominated by the Commissioners of Supply and Lord Lieutenant respectively, and also the said Lord Lieutenant, the Convener of the County, and the Sheriff of the County, or, in his Absence, any of his Substitutes within such County as he may direct, shall constitute the Local Authority; and so far as not otherwise provided by this Act such Local Authority shall have all the Powers conferred on the Local Authority by this Act, and shall have Power to elect a Chairman, specify a Quorum, and make all Regulations necessary for carrying the Purposes of this Act into effect.

CLAUSE A. Power to assemble adjourned Sessions.

6. Where the General or Quarter Sessions in any County do not stand adjourned to some Day not later than Seven Days after the passing of this Act, such Sessions shall notwithstanding be deemed, by virtue of this Act, to stand adjourned to Monday in the First Week succeeding the Week in which this Act passes.

CLAUSE B. Meeting of Local Authority in Scotland.

7. The First Meeting of the Local Authority in Scotland shall be held on a Day to be fixed and notified by the Convener of the County, and the Local Authority may adjourn from Time to Time as they may think fit.

Power of Local Authority to form Committee of its own Members and others.

8. Any Local Authority may form One or more Committee or Committees consisting wholly of its own Members, or partly of its own Members and partly of such other Persons, being rated Occupiers in the District and qualified in such other Manner as the Local Authority may determine, and may delegate to such Committee all or any Powers conferred on them by this Act, excepting the Power to make a Rate, and may from Time to Time revoke or alter any Power so given to such Committee.

A Committee may elect a Chairman of their Meetings. If no such Chairman is elected, or if the Chairman elected is not present at the Time appointed for holding the same, the Members present shall choose One of their Number to be Chairman of such Meeting. A Committee may meet and adjourn as they think proper. Every Question at a Meeting shall be determined by a Majority of Votes of the Members present, and voting on that Question; and in case of an equal Division of Votes the Chairman shall have a Second or Casting Vote.

The Proceedings of a Committee shall not be invalidated by any Vacancy or Vacancies amongst its Members, or, in case of a Committee appointed by the General or Quarter Sessions of a County, by the Termination of the Sessions by which they were appointed:

Provided always, that in the Case of the Formation of Two or more Committees, such Committees shall act according to such Rules as shall be laid down for their Guidance by such Local Authority.

Appointment of Inspectors and other Officers.

9. Every Local Authority shall with all convenient Speed appoint such Number of Inspectors and other Officers as it shall think necessary for carrying into effect the Provisions of this Act within its District. It shall assign them such Duties, and award them such Salaries or Allowances as it thinks expedient; and no Stamp shall be required on the Appointment of any Officer made in pursuance of this Act. It may revoke any Appointment so made: Provided that all Persons appointed Inspectors before the passing of this Act under the Authority of any Order of the Lords of Her Majesty's Privy Council relative to the Cattle Plague, and being such at the passing of this Act, shall be Cattle Inspectors to act in the Execution of this Act in and for the Districts for which they respectively were appointed; but any such Appointment may at any Time be revoked by the Authority that would be empowered to revoke it if it had been made under this Act.

The Certificate of an Inspector of the Local Authority that an Animal is affected by Cattle Plague shall for the Purposes of this Act be conclusive Evidence in all Courts of Justice and elsewhere of its having been so affected.

Power of Entry for Inspectors, &c.

10. Any Inspector or other Officer authorized to carry into effect the Provisions of this Act may, at all Times, enter any Field, Stable, Cow Shed, or other Premises within his District where he has reasonable Grounds for supposing that Cattle affected by the Cattle Plague are to be found, for the Purpose of carrying into effect the Provisions of this Act; and if any Person refuses Admission to or obstructs or impedes or aids in obstructing or impeding any such Inspector or other Officer, he shall for each Offence be liable to a Penalty not exceeding Twenty Pounds: Provided always, that such Inspector shall, if required, state in Writing the Grounds on which he has entered such Premises for the Purpose aforesaid.

PART I.

TEMPORARY PROVISIONS.

Limit of Duration of Part I.

11. Part I. of this Act shall continue in force till the Fifteenth Day of April One thousand eight hundred and sixty-six, and no longer, unless continued or renewed by Order of Her Majesty in Council; and it shall be lawful for Her Majesty, by Order in Council, from Time to Time to continue, or to renew if expired, all

or

or any of the Provisions in this Part of this Act contained for such Time as is specified in such Order.

Slaughter of diseased Animals.

Slaughter of diseased Animals.

12. Every Local Authority shall cause all Animals affected with the Cattle Plague within its District to be slaughtered, and shall, by way of Compensation for every Animal so slaughtered, pay to the Owner thereof such Sum not exceeding Twenty Pounds, and not exceeding One Half of the Value of the Animal immediately before it was affected with the Cattle Plague, as to such Local Authority may seem fit.

Burial of diseased Animals.

13. Every Local Authority shall cause every Animal that has died of Cattle Plague, or has been slaughtered in consequence of being affected with Cattle Plague within its District, to be buried as soon as possible in its Skin in some proper Place, and to be covered with a sufficient Quantity of Quicklime or other Disinfectant, and with not less than Six Feet of Earth.

Purification of Sheds, &c. of diseased Animals.

14. Every Local Authority shall, within its District, cause the Yard, Shed, Stable, Field, or other Premises in which any Animal affected with Cattle Plague has been kept while affected by the Disease, or has died or been slaughtered, to be thoroughly cleansed and disinfected, and all Hay, Straw, Litter, Dung, or other Articles that have been used in or about any such Animal to be burnt or otherwise destroyed; and no fresh Animal shall be admitted into any Yard, Shed, Stable, Field, or other Premises in which any Animal affected with Cattle Plague has been kept while affected by the Disease, or has died or been slaughtered, until the Expiration of Thirty Days after the cleansing and disinfecting of such Premises in pursuance of this Act; and every Local Authority shall direct the disinfecting the Clothes of, and the Use of due Precautions by Inspectors, Cattle Overseers, and others in contact with Animals affected by the Cattle Plague, with a view to prevent the spreading of Contagion.

Slaughter of Cattle herded with diseased Animals.

15. A Local Authority may, if it thinks fit, cause to be slaughtered any Animal that has been in the same Shed or Stable, or in the same Herd or Flock, or in contact with any Animal affected with Cattle Plague within its District; and the Owner of any Animal so slaughtered may either dispose of the Carcase on his own Account, with a Licence from some Officer appointed in that Behalf by a Local Authority, or may require the Local Authority to dispose of the same, in which Case such Local Authority shall pay

to the Owner thereof, by way of Compensation, such Sum, not exceeding Twenty-five Pounds, as may equal Three Fourths of the Value of the Animal slaughtered: Provided always, that the Lords of Her Majesty's Most Honourable Privy Council, or any Two or more of them, may reserve Animals (ordered to be slaughtered as aforesaid) for the Purpose of experimental Treatment.

Value of slaughtered Animals.

16. The Local Authority may require the Value of any Animal slaughtered under this Act to be ascertained by Officers of the Local Authority or by Arbitration, and generally may impose Conditions as to Evidence of the Slaughter and Value of the Animals slaughtered: Provided that no Compensation shall in any Case be paid in respect of any Animal found affected with Cattle Plague in a Market or on a Highway, or in respect of any Animal which has been moved or otherwise dealt with in contravention of this Act, or any Order of a Local Authority made in pursuance thereof.

Movement of Cattle.

Regulations as to Movement of Cattle.

17. All Cattle brought by Sea from any Place in Great Britain or from any Place out of the United Kingdom into any Town or Place in Great Britain shall be marked by clipping the Hair off the End of the Tail, and no such Cattle shall be removed alive from such Town or Place except by Sea.

No Cattle shall be moved on any Railway before the Twenty-fifth Day of March One thousand eight hundred and sixty-six.

PART II.

Expenses.

Expenses of Local Authority.

18. All Expenses incurred by a Local Authority in pursuance of this Act, including any Compensation payable by it in respect of Animals slaughtered in pursuance of this Act, shall be defrayed out of the Local Rate as defined by this Act, or out of a separate Rate to be levied in all respects in the same Manner as the Local Rate, and included under the Term "Local Rate."

Any Person who is not the Owner of the Premises in respect of which he is rated, under this Section, to the Local Rate may deduct from the growing Rent due to the Owner of such Premises One Half of the Rate payable by him for the Purposes of this Act, and every Owner shall allow such Deduction accordingly.

"Owner" for the Purposes of this Section shall mean the Person for the Time being entitled to receive the Rackrent of the Premises in respect of which the Rate is made on his own Account, or who would be entitled to receive the same if such Premises were let

let at a Rackrent, including under the Term "Rackrent" any Rent which is not less than Two Thirds of the net annual Value of the Premises out of which the Rent issues.

Every Local Authority shall have Power, notwithstanding any Limit in any Act of Parliament, to levy a Local Rate to the Amount required for the Purposes of this Act, but every Rate or Increase of Rate levied under this Section shall in all Precepts for the Levy thereof be described as a separate Rate or separate Item of Rate, and when collected from the individual Ratepayers it shall be collected as a separate Rate or specified as a separate Item of Rate.

Power to remit Rate in certain Cases.

19. Where, before the passing of this Act, any Person has suffered so great a Loss of Cattle by Cattle Plague as to entitle him in the Opinion of the Local Authority to a Remission in whole or in part of any Rate due from him for the Purposes of this Act, such Remission may be granted by the Local Authority.

Application of Balance of voluntary Rate.

When within the District of any Local Authority any Sum has been raised by a voluntary Rate for the Purpose of paying for Cattle slaughtered with a view of preventing the Spread of the Cattle Plague, the Local Authority may, with the Consent of the Managers of such voluntary Rate, after satisfying itself that the Rate or such Portion of the Rate as has been expended has been duly expended for the Purpose aforesaid, and having received from such Managers the Balance of such Rate, if any, apply it to the Purposes of this Act, and in such Case the Sums proved to the Satisfaction of such Local Authority to have been paid by any Person to such voluntary Rate, and to have been duly accounted for, shall be deducted from any Rate payable by such Person under the Provisions of this Act.

Clause C. Amount of Insurance that may be recovered on slaughtered Animals.

20. Where any Animal has been slaughtered under the Provisions of this Act, the Owner of such Animal shall not be entitled to recover in respect of the Insurance of such Animal any Sum which, together with the Payment he receives for such Animal under the Provisions of this Act, shall exceed the Sum which he would otherwise have been entitled to receive in respect of such Insurance.

Mode of levying and recovering Assessments in Scotland.

21. The Local Authority in Counties in Scotland shall from Time to Time give Notice to the Commissioners of Supply of the Sums necessary to be provided under the Provisions of this Act by means of the Local Rate, and the Amount so intimated shall be assessed and collected by the Commissioners of Supply according to the Real Rent of Lands and Heritages as appearing on the Valuation

tion Roll in force for the Year, and pay over the same to the Local Authority, and the Local Authority in Burghs in Scotland shall in like Manner assess and collect the Amount required to be raised by Local Rate within such Burgh, and all such Assessments shall be payable by the Tenant who shall be entitled to deduct One Half thereof from the Rent payable by him to the Proprietor, and all the Provisions in regard to the Recovery of Assessments in the Act Twentieth and Twenty-first Victoria, Chapter Seventy-two, intituled "An Act to render more effectual the Police in Counties and "Burghs in Scotland," shall be held to be incorporated in this Act in so far as not inconsistent with its Provisions.

Mortgage of Rates.

22. Whenever the Rate levied or to be levied for the Purposes of this Act exceeds the Sum of Sixpence in the Pound, a Local Authority may, for the Purposes of defraying any further Costs, Charges, and Expenses under this Act, borrow and take up at Interest, on the Credit of the Local Rate, any Sums of Money necessary for defraying such Costs, Charges, and Expenses; and for the Purpose of securing the Repayment of any Sums of Money so borrowed, together with such Interest as aforesaid, the Local Authority may mortgage and assign over the said Local Rate for any Period not exceeding Seven Years to the Persons by or on behalf of whom such Sums are advanced; and in any Case where the Rate levied or to be levied for meeting the Charges of this Act shall exceed Ninepence in the Pound, the Lords of the Treasury may, upon Application from the Local Authority, extend the Term to any Term not exceeding Fourteen Years, and the Local Authority may mortgage and assign over the said Rate for any Term not exceeding Fourteen Years accordingly.

Certain Clauses of 10 & 11 Vict. c. 16. incorporated.

23. The Clauses of the Commissioners Clauses Act, 1847, with respect to Mortgages to be created by the Commissioners, shall form Part of and be incorporated with this Act, and any Mortgagee or Assignee may enforce Payment of his Principal and Interest by Appointment of a Receiver. In the Construction of those Clauses the Commissioners shall mean "the Local Authority."

Public Works Loan Commissioners may lend Money.

24. The Public Works Loan Commissioners, as defined by "The Public Works Loan Act, 1853," may, out of Monies at their Disposal, with the Approval of the Lords Commissioners of the Treasury, advance to any Local Authority, upon the Security of the Local Rate, without any further Security, to be repaid, with Interest, within any Period as aforesaid, any Sums of Money to be applied by such Authority in carrying into effect the Purposes of this Act.

Miscellaneous.

Miscellaneous.

25. Every Local Authority shall report to the Privy Council the State of the Cattle Plague in their District, and give such other Information with respect to the Cattle Plague, in such Form and at such Time as the Privy Council may require. Reports by Local Authority to Privy Council.

26. Any Local Authority may purchase or hire a Piece or Pieces of Land for the Purpose of burying therein Animals dying of Cattle Plague or slaughtered under this Act, and, in the Case of Sea Ports, for the Purpose of providing proper Places for the Slaughter of Cattle which under the Provisions of this Act cannot be removed alive from such Ports; and in order to facilitate any such Purchase the Provisions of "The Lands Clauses Consolidation Act, 1845," relating to the Purchase of Land by Agreement, shall be incorporated with this Act. Purchase of Land for Burial of diseased Animals.

Legal Proceedings and Saving Clauses.

27. If any Person acts in contravention of any Provisions in this Act contained, or any Order made by a Local Authority in pursuance of this Act, he shall for each Offence incur a Penalty not exceeding Twenty Pounds, and where any such Offence is committed with respect to more than Four Animals, a Penalty not exceeding Five Pounds for each Animal may be imposed instead of the Penalty of Twenty Pounds. Penalty for Disobedience of Act or Order.

28. In the event of any Person refusing or delaying to comply with the Order of any Local Authority in Scotland, the Local Authority may give Information thereof to the Procurator Fiscal of the County or Burgh, who may apply to the Sheriff for a Warrant to carry out such Order, and such Warrant may be executed by the Officers of Court in the usual Way. Local Authority in Scotland may apply to the Procurator Fiscal.

29. In Scotland all the Judicial Powers given to Justices and Quarter Sessions, or to Magistrates in Boroughs, by this Act, may also be exercised by the Sheriff of the County or the Sheriff Substitute. Sheriff in Scotland to have concurrent Jurisdiction.

30. Penalties under this Act, and Expenses directed to be recovered in a summary Manner, may be recovered before Two Justices in manner directed by an Act passed in the Session holden in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen Victoria, Chapter Forty-three, intituled "An Act to "facilitate the Performance of the Duties of Justices of the Peace "out of Sessions within England and Wales with respect to Recovery of Penalties.

" summary Convictions and Orders," or any Act amending the same, and in Scotland by summary Complaint before the Sheriff, Sheriff Substitute, or Two Justices, or in Boroughs before the Magistrates, in manner provided by the Summary Procedure Act, 1864.

Any Railway Company or other Body Corporate may appear before any Justice, Sheriff, or Sheriff Substitute by any Member of their Board of Management, or by any Officer authorized in Writing under the Hand of any Director or Manager of the Company.

Appeal.

31. If any Party feels aggrieved by the Dismissal of his Complaint by the Justices, or by any Determination or Adjudication of the Justices with respect to any Penalty or Forfeiture under this Act, the Party so dissatisfied may appeal therefrom, subject to the Conditions and Regulations following:

1. The Appeal shall be made to some Court of General or Quarter Sessions for the County or Place in which the Cause of Appeal has arisen, holden not less than Fifteen Days and not more than Four Months after the Decision of the Justices from which the Appeal is made:
2. The Appellant shall, within Three Days after the Cause of Appeal has arisen, give Notice to the Clerk of the Petty Sessional Division for which the Justices act whose Decision is appealed from of his Intention to appeal, and of the Grounds thereof, and in Scotland to the Clerk of the Peace for the County:
3. The Appellant shall immediately after such Notice enter into a Recognizance, before a Justice of the Peace, with Two sufficient Sureties, conditioned personally to try such Appeal, and to abide the Judgment of the Court thereon, and to pay such Costs as may be awarded by the Court:
4. The Court may adjourn the Appeal, and may make such Order thereon as they think just:

But nothing in the present Section respecting Appeals shall affect any Enactments relative to Appeals in Cases of Summary Convictions or Adjudications in the City of London or the Metropolitan Police District.

Confirmation of Orders.

32. All Orders made by the Lords of Her Majesty's Privy Council in pursuance of the Act of the Session of the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter One hundred and seven, and all Orders made and Notices published by Local Authorities under the Powers conferred on them by such Orders of the Lords of Her Majesty's Privy Council, shall be deemed

deemed to have been duly made and authorized by the said Act, and shall, so far as they are consistent with this Act, remain in full Force until they are revoked or have expired by Lapse of Time.

Expenses incurred prior to passing of Act.

33. All Expenses already incurred by any Local Authority as defined by the said Orders of the Lords of Her Majesty's Privy Council previous to the passing of this Act, in publishing any Notices or Advertisements in pursuance of or under any Authority derived from any Order of the Lords of Her Majesty's Privy Council made in pursuance of the said Act, shall be deemed to have been duly charged on any Rate out of which such Expenses have been defrayed; or such Expenses may be paid in like Manner as Expenses incurred pursuant to this Act.

Clause D. Continuance of Act.

34. This Act shall continue in force until the First Day of June One thousand eight hundred and sixty-seven, and until the End of the then Session of Parliament, and no longer, except in so far as respects the Power of levying Rates for repaying any Sums borrowed under the Provisions of this Act: Provided that it shall be lawful for Her Majesty in Council at any Time to suspend the Operation of this Act as respects the Slaughter of Cattle.

SCHEDULE.

Districts of Local Authority.	Description of Local Authority of District set opposite its Name.	Local Rate.	Clerk of Local Authority.
	ENGLAND AND WALES.		
Counties except the Metropolis.	The Justices in General or Quarter Sessions assembled.	The County Rate, or Rate in the Nature of a County Rate.	Clerk of the Peace.
The Metropolis - -	The Metropolitan Board of Works.	Rate or Fund applicable to the Payment of the general Expenses of the Board.	The Clerk of the Metropolitan Board of Works.
Boroughs -	The Mayor, Aldermen, and Burgesses acting by the Council.	The Borough Fund or Borough Rate.	Town Clerk.
District of Local Board of Oxford.	The Local Board -	Rate leviable by the Local Board.	Clerk of the Local Board.
	SCOTLAND.		
Counties, including any Town or Place which does not return or contribute to return a Member to Parliament.	The Persons appointed in Sec. of this Act.	Rate appointed to be levied in Sec. of Act.	Clerk of Supply.
Burghs which return or contribute to return a Member to Parliament.	The Magistrates and Town Council.	Do. Do. -	Town Clerk.

Cattle Diseases.

A

BILL

[AS AMENDED IN COMMITTEE, ON RECOMMITMENT, AND ON CONSIDERATION OF BILL AS AMENDED]

To amend the Law relating to Contagious or Infectious Diseases in Cattle and other Animals.

(*Prepared and brought in by Sir George Grey, Mr. Chancellor of the Exchequer, and Mr. Baring.*)

Ordered, by The House of Commons, *to be Printed,* 17 *February* 1866.

[Bill 22.]

Under 2 oz.

Cattle Diseases (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clause

1. Powers by said Acts vested in Her Majesty's Privy Council may be exercised by the Lord Lieutenant by and with the Advice of Her Majesty's Privy Council in Ireland.
2. The Lord Lieutenant, with the Advice of Her Majesty's Privy Council in Ireland, may make Orders and Regulations for the Purposes of the recited Acts and this Act.
3. All Orders and Regulations made under this Act shall be published in the Dublin Gazette.
4. A Copy of Dublin Gazette shall be Evidence of all Orders or Regulations found therein.
5. Recovery and Application of Penalties.
6. Penalty for Disobedience of Act or Order.
7. Power of Constable or Police Officer appointed to carry into effect the Purposes of Act. Power of Justices herein.
8. Recovery of Expenses.
9. Orders heretofore made by Her Majesty's Privy Council shall remain in force until modified or altered as far as relates to Ireland under the Powers of this Act.
10. A Fund to be provided for defraying Expenses of this Act to be assessed by the Poor Law Commissioners.
11. Treasurer of the Union shall pay over Amount so assessed on the Union to Bank of Ireland.
12. All Claims for Compensation to be sent to Office of the Chief Secretary of Lord Lieutenant.
13. If a further Sum required the same to be certified to the Commissioners and assessed by them.
14. If Occasion shall not arise for the Application of Sum assessed the Fact to be certified to the Commissioners.
15. This Act and recited Acts to be construed together.
16. Interpretation.
17. Short Title.
18. Act to extend to Ireland only.

A

B I L L

TO

Amend the Law relating to Contagious Diseases amongst Cattle and other Animals in Ireland.

WHEREAS an Act was passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter One hundred and seven, for the more effectually preventing the spreading of Contagious or Infectious Disease amongst Cattle, Sheep, Horses, Swine, or other Animals: 11 & 12 Vict. c. 107.

And whereas the said Act has been extended and continued by an Act passed in the Sixteenth and Seventeenth Years of the Reign of Her Majesty, Chapter Sixty-two, and has by sundry Acts been further continued as so extended, and is now in force until the First Day of August One thousand eight hundred and sixty-six and the End of the then next Session of Parliament: And whereas it is expedient, so far as Ireland is concerned, to amend the said Act: 16 & 17 Vict. c. 62.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. The several Powers and Authorities by the said recited Acts vested in the Lords and others of Her Majesty's Privy Council shall Powers by said Acts vested in Her Majesty's Privy Council may be exer-

cised by the Lord Lieutenant by and with the Advice of Her Majesty's Privy Council in Ireland.

shall and may be exercised by the Lord Lieutenant or other Chief Governor or Governors of Ireland for the Time being, by and with the Advice of Her Majesty's Privy Council in Ireland.

The Lord Lieutenant, with the Advice of Her Majesty's Privy Council in Ireland, may make Orders and Regulations for the Purposes of the recited Acts and this Act.

2. It shall be lawful for the said Lord Lieutenant or other Chief Governor or Governors of Ireland, by and with the Advice of Her Majesty's Privy Council in Ireland, from Time to Time to make such Orders and Regulations as to him or them may seem necessary for the Purposes in the said recited Acts mentioned, and for the Purpose of regulating the Embarkation and Landing of Persons in charge of Cattle or Sheep or other Animals, and of prohibiting and regulating the Importation into Ireland of Cattle, Dogs, and other Animals, and of all other Articles likely to carry or communicate Infection, and all such Orders and Regulations as to him or them may seem necessary (including the compulsory Slaughter and Burial of Animals in an infected State or likely to propagate Infection), for the Purpose of preventing the Introduction of the Cattle Plague into Ireland, and for the Purpose of preventing the spreading of the same in case it should appear in Ireland, and of making all other Orders or Regulations for enforcing and giving better Effect to this or the said recited Acts; and such Orders and Regulations, when made, and published in the "Dublin Gazette," as herein-after mentioned, shall have the same Force as if they had been inserted in this Act.

All Orders and Regulations made under this Act shall be published in the Dublin Gazette.

3. All Orders and Regulations made under the Authority of this Act shall, within One Week after the making thereof, be published in the "Dublin Gazette;" and Copies of the said Orders and Regulations shall be posted at such Places and in such Manner as the Lord Lieutenant or other Chief Governor or Governors of Ireland, with the Advice and Consent of Her Majesty's Privy Council in Ireland, may direct.

A Copy of Dublin Gazette shall be Evidence of all Orders or Regulations found therein.

4. In all Courts of Justice a Copy of the "Dublin Gazette," purporting to be printed by the Queen's Authority, shall be conclusive Evidence of the due making and Publication of the Orders or Regulations which may be found therein, and it shall not be necessary to prove any other Publication or the posting of the said Orders and Regulations.

Recovery and Application of Penalties.

5. All Penalties imposed by this Act or the recited Acts, save as herein-after provided, may be recovered in Ireland before a Justice at Petty Sessions, in the Manner directed by the Acts regulating Petty Sessions in Ireland; and all Penalties shall be applied as follows, that is to say, a Part thereof not exceeding One Third may

may be awarded to the Informer, and the rest to Her Majesty, to be applied in aid of the Fund by this Act created.

Penalty for Disobedience of Act or Order.

6. If any Person acts in contravention of any Provisions in this Act contained, or any Order made in pursuance of this Act, he shall for each Offence incur a Penalty not exceeding *Twenty Pounds*, and where any such Act is committed with respect to more than Four Animals, a Penalty not exceeding *Five Pounds* for each Animal may be imposed instead of the Penalty of *Twenty Pounds*.

Power of Constable or Police Officer appointed to carry into effect the Purposes of Act.

7. If any Person moves or otherwise deals with any Animal, Matter, or Thing, in contravention of this Act or any Order or Regulation made in pursuance thereof, or if any Drover or Person in charge of any such Animal, Matter, or Thing acts in contravention of any such Order or Regulation, any Inspector or other Officer appointed for carrying into effect the Purposes of this Act, or any Constable or Police Officer, may take such Offender into Custody, and detain him for such Time as may be necessary to bring him before any Justice of the Peace, who shall thereupon be authorized to adjudicate in a summary Manner on the Penalty to be paid by him; any such Officer may also seize any Animal, Matter, or Thing in the Charge of the Offender, and take them to some Place where they can be safely kept, and there detain them until he can obtain an Order of a Justice respecting them.

Power of Justices herein.

Any Justice to whom Application is made for an Order respecting any Animal, Matter, or Thing detained under this Section may order same to be detained or disposed of in such Manner as may be directed by any Orders or Regulations to be made in pursuance of this Act; provided that no Right of Compensation shall be given in respect of Animals, Matters, or Things seized or disposed of under this Section.

Recovery of Expenses.

8. Any Expenses incurred under this last Section may be recovered in a summary Manner from the Owner of the Animal, Matter, or Thing in respect of which such Expenses have been incurred, and the Animal, Matter, or Thing may be detained until all such Expenses have been defrayed; and if such Expenses are not paid within Four Days, the same may be sold by Public Auction or Private Contract, and the Monies arising from such Sale applied in Payment of the said Expenses, including the Expenses of the Sale, and the Overplus (if any) be returned to the Owner or Person in charge thereof.

Orders heretofore made by Her Majesty's Privy Council shall remain in force until

9. All Orders heretofore made by Her Majesty's Privy Council shall be and remain in force and effect unless and until the same shall

modified or altered as far as relates to Ireland under the Powers of this Act.

shall be modified or altered, so far as relates to Ireland, by the Lord Lieutenant and Privy Council, under the Powers of this Act.

A Fund to be provided for defraying Expenses of this Act to be assessed by the Poor Law Commissioners.

10. And whereas it is expedient to provide a Fund for defraying the Expenses of carrying this Act into execution, and for compensating the Owners of Cattle the Slaughter of which may be compelled by Authority: Be it further enacted, That on Receipt of the Certificate of the Chief Secretary or Under Secretary of the Lord Lieutenant, to the Effect that a Sum equivalent to a certain Poundage, to be specified in said Certificate, on the net annual Value of the Property rateable to the Poor in all the Unions in Ireland is required for the Purpose aforesaid, it shall be lawful for the Commissioners for administering the Laws for Relief of the Poor in Ireland to assess such Sum, by an Order under their Seal, upon the several Unions, in proportion to the net annual Value of the rateable Property therein, according to the Valuation in force for the Time being; and the said Commissioners shall make such Order, and shall transmit to the Board of Guardians, and likewise to the Treasurer of each Union, a Copy thereof, stating the Amount so assessed on such Union; provided that no such Certificate or Order shall authorize the Assessment of more than One Halfpenny in the Pound on the net annual Value of the rateable Property as aforesaid.

Treasurer of the Union shall pay over Amount so assessed on the Union to Bank of Ireland.

11. Forthwith on the Receipt of such Order the Treasurer of the Union shall, out of the Funds then lying in his Hands to the Credit of the Guardians, or, if there shall be then no sufficient Assets, out of the Monies next received by him, and placed to the Credit of the Guardians, pay over the Amount so assessed on the Union to the Bank of Ireland, to be there placed to a separate Account, to be entitled the "Cattle Plague Account;" and the Guardians of the Union shall in their Account with the Electoral Divisions of the Union debit each Electoral Division with its Proportion of the said Sum, according to the net annual Value for the Time being of the rateable Property situate in each such Division.

All Claims for Compensation to be sent to Office of the Chief Secretary of Lord Lieutenant.

12. All Claims for Compensation for Cattle which shall have been compelled to be slaughtered as aforesaid shall be sent to the Office of the Chief Secretary of the Lord Lieutenant in Dublin, and shall be there dealt with and disposed of in accordance with the Regulations in that Behalf to be made and approved by the Lord Lieutenant and Privy Council; provided that in the Case of Cattle affected with the Disease no greater Amount shall be paid as Compensation than *One Half* of the actual Value thereof immediately before

before being attacked by the Disease, such Value to be ascertained, certified, and reported as in the said Regulations shall be provided, the Sum in no Case to exceed the Sum of *Twenty Pounds* for each Animal, and in the Case of such Cattle being insured, and the Insurance receivable by the Owner, no more than the Difference, if any, between the *One Half* of the actual Value thereof so limited, and to be ascertained as aforesaid, and the Amount of Insurance so receivable; and in case of Animals compelled to be slaughtered by reason of having been in the same Shed or Stable, or in the same Herd or Flock, or in contact with any Animal infected with the Disease, no greater Amount shall be paid as Compensation than *Three Fourths* of the actual Value of the Animal so slaughtered, not to exceed the Sum of *Twenty-five Pounds* for each Animal, and in the Case of Cattle insured, and for which Insurance is receivable by the Owner, no more than the Difference, if any, between the *Three Fourths* of the actual Value thereof so limited and to be ascertained as aforesaid and the Amount of Insurance so receivable.

If a further Sum required the same to be certified to the Commissioners and assessed by them.

13. If after the Disbursement of the said Fund in the Manner aforesaid a further Sum shall be required for like Purposes, such further Sum shall be certified to the said Commissioners, and assessed by them, and paid to the same Account as herein-before enacted; provided that no larger Sum shall be levied under the Authority of this Act than shall be equivalent in the whole to a Poundage of *Twopence* in the Pound on the net annual Value of the rateable Property in the Unions in Ireland.

If Occasion shall not arise for the Application of Sum assessed the Fact to be certified to the Commissioners.

14. If after the Assessment and Payment of any such Sum or Sums as aforesaid into the Bank of Ireland Occasion shall not arise for the Application of the whole or any Part thereof to the Purpose aforesaid, the Fact shall be certified, as herein-before provided, to the said Commissioners, who shall thereupon ascertain the Amount of the remaining Balance, and make and issue an Order under their Seal assigning the Proportions returnable to each Union, according to its net annual Value, and the Bank of Ireland shall, on receiving Direction to that Effect from the Chief Secretary or Under Secretary of the Lord Lieutenant, remit the Sums so assigned to the Treasurers of the said Unions respectively, and the Guardians of each Union shall, on the Treasurer's Receipt of the Sums so assigned, credit each Electoral Division with its Proportion according to the net annual Value of the rateable Property situate in each.

This Act and recited Acts to be construed together.

15. This Act and the said recited Acts shall be construed together, and all Provisions of the said recited Acts shall remain in full Force save to the Extent to which they have been modified or altered by this Act.

Interpretation.

16. The Words "Justice of Peace" shall mean, within the Police District of Dublin Metropolis, One of the Divisional Justices of said District.

Short Title.

17. This Act may be cited as "The Cattle Disease Act (Ireland), 1866."

Act to extend to Ireland only.

18. This Act shall extend to Ireland only.

Cattle Diseases (Ireland).

A

B I L L

To amend the Law relating to Contagious Diseases amongst Cattle and other Animals in Ireland.

(Prepared and brought in by Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland, and Sir George Grey.

Ordered, by The House of Commons, *to be Printed,* 23 *February* 1865.

[Bill 37.] *Under* 1 *oz.*

Cattle Diseases Prevention Act (1866) Amendment Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

Preliminary.

1. Extent, Construction, and Short Titles.
2. Interpretation.

Assessment and Levy of General Cattle Plague Rate.

3. Power for Poor Law Board to assess General Cattle Plague Rate on Unions throughout England.
4. Copies of Order to be sent to Unions.
5. Treasurers to pay Amount to Paymaster-General at Bank of England.
6. Parishes in each Union to be debited with their Proportions.

Administration of Rate.

7. Separate Account by Paymaster-General.
8. Paymaster-General, under Direction of Poor Law Board, to pay to Local Authorities.
9. Reimbursement of Local Authorities for Outlay before this Act.
10. Local Rate to be first applied to Extent of Twopence in Pound.
11. Provision respecting Animals slaughtered under Orders of Lords of Council.
12. Disposal of Balance of General Cattle Plague Rate.

Deduction of Half of Rate from Owners.

13. Occupier to deduct certain Proportion of Rate from Rent paid.
14. Each Owner in Succession to deduct for Rate from Rent paid by him.
15. Deduction to be made at next Payment.
16. Deduction of Arrears of Rate.
17. Owner to allow Deduction.
18. Occupier, &c., discharged from Sum deducted.
19. Covenant, &c., against Deduction to be of no Effect.
20. Definition of "Rent," and Application of foregoing Provisions.
21. Deduction as against Mortgagee in possession.

Duration of Act.

22. Act to continue as principal Act, &c.

A

BILL

TO

Amend The Cattle Diseases Prevention Act (1866).

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

Extent, Construction, and Short Titles. 29 & 30 Vict. c. 2.

1. This Act shall not extend to Scotland or Ireland, and may be cited as The Cattle Diseases Prevention Act (1866) Amendment Act, 1866, and shall be read as One Act with the Cattle Diseases Prevention Act, 1866 (in this Act referred to as the principal Act); and the principal Act and this Act may be cited together as The Cattle Diseases Prevention Acts, 1866.

Interpretation.

2. The Term "Union" in this Act includes Parishes and Townships incorporated under any General or Local Act relating to the Relief of the Poor, and also all Parishes and Townships under separate Boards of Guardians; and the Term "Parish" in this Act includes any District which maintains its own Poor, or in which a separate Rate for the Relief of the Poor is or may be levied.

Assessment and Levy of General Cattle Plague Rate.

Power for Poor Law Board to assess General Cattle Plague Rate on Unions throughout England.

3. On it appearing from Time to Time to the Poor Law Board that Money is required to be raised for defraying Expenses incurred (before or after the passing of this Act) by Local Authorities in pursuance of the principal Act, including Compensation payable in respect of Animals slaughtered in pursuance of that Act, the Poor Law Board shall from Time to Time, by Order under their Seal, assess on the several Unions in England, in proportion to the net annual Value (according to the Valuation for the Time being in force) of the Property therein rateable to the Relief of the Poor (in this Act referred to as rateable Property), such Sum as to the Poor Law Board seems requisite for the Purpose aforesaid, not exceeding in the whole in any Year (reckoned from the *First* Day of *January*) such Amount as, in the Judgment of the Poor Law Board, will be equivalent to a Rate of *Threepence* in the Pound on the net annual Value of the aggregate rateable Property in all the Unions, and not exceeding at any One Time such Amount as, in the Judgment of the Poor Law Board, will be equivalent to a Rate of *One Penny* in the Pound thereon.

Every such Order shall specify the Rate in the Pound at which the Sum thereby assessed is calculated (which Sum so assessed is in this Act referred to as the General Cattle Plague Rate).

Copies of Order to be sent to Unions.

4. The Poor Law Board shall send printed Copies of every such Order under their Seal to the respective Guardians, and also to the respective Treasurers, of all the Unions.

Treasurers to pay Amount to Paymaster-General at Bank of England.

5. On Receipt of any such Order the Treasurer of each Union shall, out of the Funds then in his Hands to the Credit of the Guardians, or if those Funds are insufficient then out of the Money next received by him on account of the Guardians, pay the Amount assessed on the Union into the Bank of England to the Credit of the Cash Account of Her Majesty's Paymaster-General.

Parishes in each Union to be debited with their Proportions.

6. In the Accounts of each Union each Parish in the Union shall be debited with its Proportion of the Sum assessed on the Union, according to the net annual Value of the rateable Property in the Parish.

Administration of Rate.

Separate Account by Paymaster-General.

7. Her Majesty's Paymaster-General shall keep in his Books a separate Account, to be called The General Cattle Plague Rate Account, and shall carry thereto all Sums paid into the Bank of England to the Credit of his Cash Account under this Act.

8. Her

Paymaster-General, under Direction of Poor Law Board, to pay Local Authorities.

8. Her Majesty's Paymaster-General, under the Direction of the Poor Law Board, shall from Time to Time pay to the several Local Authorities the Amounts which the Poor Law Board, after Examination of the Requisitions of the Local Authorities, think ought to be paid to them for defraying the Expenses incurred by them respectively as aforesaid.

Reimbursement of Local Authorities for Outlay before this Act.

9. Where, before the passing of this Act, a Local Authority has paid out of the Local Rate, as defined by the principal Act, any Compensation in respect of Animals slaughtered in pursuance of that Act, then and in every such Case the Local Authority shall be reimbursed, under the Direction of the Poor Law Board, out of the Money from Time to Time standing to the Credit of the General Cattle Plague Rate Account, the Amount so paid by the Local Authority, and the same, when repaid, shall be dealt with by the Local Authority as Part of the Local Rate, as defined by the principal Act.

Local Rate to be first applied to Extent of 2*d.* in Pound.

10. Provided always, That any Payment directed by the Poor Law Board to be made to any Local Authority out of the General Cattle Plague Rate shall be only in respect of the Excess of the Expenses incurred by that Local Authority (before or after the passing of this Act), and actually defrayed by them out of the Local Rate as defined by the principal Act, over the Amount which would be produced by that Local Rate at the Rate of *Twopence* in the Pound.

Provision respecting Animals slaughtered under Order of Lords of Council.

11. Animals slaughtered in pursuance of any of the Orders made by the Lords of Her Majesty's Privy Council, and confirmed by Section Thirty-two of the principal Act, shall, for the Purposes of this Act, be deemed to have been slaughtered in pursuance of the principal Act.

Disposal of Balance of General Cattle Plague Rate.

12. If, on the Expiration of this Act, any Balance remains on the Credit of the General Cattle Plague Rate Account, the Poor Law Board shall, by Order under their Seal, assign the same to the several Unions in proportion to the net annual Value (according to the Valuation for the Time being in force) of the rateable Property therein; and Her Majesty's Paymaster-General shall, under the Direction of the Poor Law Board, pay to the Treasurer of each Union the Amount so assigned to it; and on Receipt thereof each Parish in the Union shall be credited in the Accounts of the Union with its Proportion thereof, according to the net annual Value of the rateable Property in the Parish.

Deduction of Half of Rate from Owners.

Occupier to deduct certain Proportion of Rate from Rent paid.

13. Where the Occupier of rateable Property is liable to pay a Rent in respect thereof, he shall deduct from the Rent in respect of

of each Pound of the rateable annual Value of that Property (whether the Rent is greater or less than the rateable annual Value), a Sum equal to *One Half* of the Amount leviable in respect of the Property for the General Cattle Plague Rate, taken as assessed at the Rate in the Pound specified in the respective Orders of the Poor Law Board under this Act, and so in proportion for any Sum less than a Pound.

Each Owner in Succession to deduct for Rate from Rent paid by him.

14. Where a Person entitled to receive a Rent in respect of rateable Property is also liable to pay a Rent in respect thereof, he shall deduct from the Rent which he is liable to pay a Sum bearing such a Proportion to the Amount deducted for the General Cattle Plague Rate from the Rent which he is entitled to receive as the Rent which he is liable to pay bears to the Rent which he is entitled to receive.

Deduction to be made at next Payment.

15. Every Deduction directed by the foregoing Provisions shall be made on the Payment of Rent next subsequent to each Payment for the General Cattle Plague Rate.

Deduction of Arrears of Rate.

16. If an Occupier or other Person is bound to pay and pays any Sum for the General Cattle Plague Rate that ought to have been or to be paid by a former Occupier or Tenant of the Property in respect of which the Rate is paid, or his Representatives, the Occupier or Person paying the same, or his Representatives, shall deduct the same out of any subsequent Payment of Rent made by him or them in respect of the Property.

Owner to allow Deduction.

17. The Receivers of Her Majesty, Her Heirs and Successors, and all Landlords, both mediate and immediate, and all Persons entitled to receive Rent in respect of rateable Property, and their Representatives and Assigns, according to their Interests, shall allow every Deduction directed by this Act on Receipt of the Residue of the respective Rents which they are entitled to receive.

Occupier, &c. discharged from Sum deducted.

18. The Occupier or other Person liable to pay Rent in respect of rateable Property shall, by virtue of any Deduction directed by this Act, be discharged of so much Money as if the same had been actually paid to the Person entitled to receive the Rent.

Covenant, &c. against Deduction to be of no Effect.

19. Every Covenant or Agreement made or entered into (before or after the passing of this Act) for Payment of Rent in respect of rateable Property in full, without Allowance for Deduction in respect of the General Cattle Plague Rate (either specifically or under any general Description), shall, as far as regards the General Cattle Plague Rate, be of no Effect.

20. In

20. In the foregoing Provisions the Term "Rent" means any Rent-service, Rentcharge, Fee-farm Rent, Quitrent, or other Rent, or any Reservation or Sum or Value rendered in Money or otherwise by any Occupier or Tenant or under any Contract in respect of the Occupation, Tenancy, Use, or Enjoyment of any rateable Property; and the foregoing Provisions relative to Rent shall extend and apply to any Tithe Commutation Rentcharge, Sum payable in lieu of Tithe, Annuity, or other annual or periodical Payment whatever reserved or charged on or payable out of any rateable Property. Definition of Rent, and Application of foregoing Provisions.

21. On a Settlement of Accounts between a Mortgagee in possession and a Mortgagor of any rateable Property all Money paid for the General Cattle Plague Rate in respect of the Property shall be deemed and allowed as so much Money received by the Mortgagee on account of the Sums payable to him under his Mortgage. Deduction as against Mortgagee in possession.

Duration of Act.

22. This Act shall continue in force for the same Time as the principal Act, and thenceforth until all Expenses to which this Act relates have been defrayed in manner in this Act provided; and any Deduction directed by this Act shall be made and allowed, where the Case so requires, after and notwithstanding the Expiration of the principal Act. Act to continue as principal Act, &c.

Cattle Diseases Prevention Act (1866) Amendment.

A

BILL

To amend The Cattle Diseases Prevention Act (1866).

(*Prepared and brought in by Earl Grosvenor, Mr. Tollemache, Mr. G. Ward Hunt, Mr. J. B. Smith, and Mr. Laird.*)

Ordered, by The House of Commons, *to be Printed,* 28 *June* 1866.

[Bill 200.]

Under 1 *oz.*

A

BILL

TO

Amend The Cattle Diseases Prevention Act.

WHEREAS it is expedient to amend the Provisions of the Cattle Diseases Prevention Act, 1866:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title of Act.

1. This Act may be cited for all Purposes as The Cattle Diseases Prevention Amendment Act, 1866.

Construction and Duration of Act.

2. This Act, so far as is consistent with the Tenor thereof, shall be construed as One with the said Cattle Diseases Prevention Act, 1866, and shall continue in force during such Time as the last-mentioned Act, herein-after referred to as the Principal Act, may continue in force.

Definition of "Cattle Act Expenses."

3. The Expression "Cattle Act Expenses" as used in this Act shall mean all Expenses incurred by a Local Authority in pursuance of the Principal Act, including any Compensation payable in respect of

of Cattle slaughtered in pursuance of the Principal Act, and including the Payment of any Moneys borrowed under this Act or the Principal Act, or any Interest on such Moneys.

Power to borrow for Payment of Cattle Act Expenses.

4. Where the estimated Amount of the Sum required to be levied for Payment of Cattle Act Expenses, whether incurred before or after the passing of this Act, exceeds the Sum that would be raised by the levying of a Rate of *One Shilling* in the Pound on the rateable Value of the Property assessed to the Local Rate within the District of any Local Authority, that Authority may borrow from the Public Works Loan Commissioners, and the Public Works Loan Commissioners may out of any Moneys at their Disposal lend such Authority, such Sums as may be required, subject to the following Conditions:

1. Every Loan under this Act shall be made with the Sanction of the Commissioners of the Treasury:
2. The Interest payable in respect of a Loan under this Act shall be at the Rate of *Three Pounds* per Centum per Annum:
3. The Repayment of any Loan under this Act shall be made by such Number of equal annual Instalments, not exceeding Thirty, as the Commissioners of the Treasury may determine in their Order sanctioning the Loan, or in such other Manner as may be agreed upon between the said Commissioners and the Local Authority; and the said Commissioners may, if they think fit, authorize the Postponement, for a Period not exceeding *Two Years*, of any Instalment becoming due within the first *Three Years:*
4. The Repayment of any Loan under this Act, and the Interest thereon, shall be secured by a Mortgage of the Local Rate, and it shall not be incumbent on the Public Works Loan Commissioners to require any other Security:
5. Every Local Authority shall have Power to levy and shall levy such Rates as may be requisite for the Purpose of repaying any Loan under this Act, and the Interest thereon:
6. The Sanction of the Commissioners of the Treasury to any Loan under this Act shall be conclusive Evidence that such Loan is authorized by this Act; and no Objection shall be made by any Ratepayer to the Validity of any Mortgage for securing any Loan under this Act, or to the Application of the Proceeds of any Local Rate to the Payment of the Principal or Interest of such Loan.

Cattle Act Expenses to be specified in all

5. Every Precept or Warrant issued by a Local Authority for the Purpose of obtaining Payment of a Local Rate shall specify the Proportion (if any) of that Rate which is required for the Payment of

of Cattle Act Expenses, and every Order of a Board of Guardians for Contribution of Moneys out of which Cattle Act Expenses are payable shall state the Amount in the Pound of Contribution required for such Expenses; and the Overseers on the Receipt given to any Ratepayer for Poor Rate shall specify the Amount (if any) collected in respect of Cattle Act Expenses.

Precepts and Orders.

6. All Precepts, Orders for Contribution, and Forms of Poor Rate shall, where necessary, be varied in such Manner as may be required for carrying into effect this Act and the Principal Act, or either of such Acts.

Variation of Forms of Precepts and Orders.

7. The Treasurer of any Local Authority may, if directed by such Authority, advance out of any Moneys for the Time being in his Hands any Sums required for Payment of Cattle Rate Expenses.

Advance of Moneys by Treasurer of Local Authority.

8. Where the Local Rate is a County Rate or Borough Rate, or any other such Rate as is mentioned in the Schedule to the Principal Act, all the Provisions of the Statutes applicable to making, levying, and collecting a County Rate, Borough Rate, or other Rate, shall apply, notwithstanding the whole of such Rate, or any Part thereof, may be applicable to the Payment of Cattle Act Expenses.

Saving of Statutes applicable to Rates leviable for Cattle Act Expenses.

9. An Error in the Statement of the Amount of Cattle Act Expenses in any Precept, Warrant, Contribution, Order, or Receipt issued or given under this Act shall not invalidate such Precept, Warrant, Contribution, Order, or Receipt; but it shall be lawful for any Person aggrieved by such Error to appeal to the Justices in Petty Sessions, and the Justices may rectify the Error, and award to the Appellant Compensation for any Loss he may have sustained thereby, the Amount of such Compensation to be deducted by the Appellant from any Local Rate or Contribution to Local Rate thereafter levied on him.

Error in Statement not to vitiate Precept, &c.

Cattle Diseases Prevention Act Amendment (No. 2).

A

B I L L

To amend The Cattle Diseases Prevention Act.

(*Prepared and brought in by Mr. Secretary Walpole, Mr. Chancellor of the Exchequer, and Mr. Hunt.*)

Ordered, by The House of Commons, *to be Printed*, 27 *July* 1866.

[Bill 251.]

Under 1 *oz.*

Cattle Plague Bill.

ARRANGEMENT OF CLAUSES.

Sect.

Preamble.

Preliminary.

1. Short Title.
2. Extent of Act.
3. Interpretation.
4. What Beasts to be deemed sound, and what diseased.

Cattle Overseers.

5. Guardians of Poor to appoint Cattle Overseers.

Cattle Police.

6. Chief Constable in County to appoint additional Constables.
7. Powers, &c., of Cattle Police.
8. Payment of Cattle Police.
9. Discontinuance of Cattle Police.
10. Saving for Metropolitan Police.
11. In Boroughs Power for Watch Committee to appoint Cattle Police.

Local Authority.

12. Description of Local Authority.

Cattle Inspectors.

13. Continuance of existing Inspectors.
14. Cattle Inspectors for Metropolis.
15. Appointment of Cattle Inspectors by Local Authority.

Slaughter-houses.

16. Overseers to provide Slaughter-houses for Parish.

Prohibition of Movement of Cattle with Exceptions.

17. General Prohibition of Movement of Cattle.
18. Exception for Movement where separate Lands in same Occupation.

19. Exception for Beasts imported.
20. Exception for Beasts going to Slaughter-house under Act.
21. Exception for Changes of Tenancy.
22. Exception for Stocking of Farms.
23. Restriction as to Two last Cases.
24. Exception for Breeding.
25. Licence, how to be obtained.
26. Penalty on Cattle Owner moving contrary to Act.
27. Penalty on other Persons moving contrary to Act.
28. Presumption against Person moving.
29. Power for Constables to stop Beasts on Highway, &c.
30. Power for Justices to order Beasts to be killed, &c.

Slaughter of diseased Cattle and Compensation.

31. Cattle Owner to give Notice of Disease.
32. Power for Cattle Inspector to order Slaughter of Beast.
33. Power for Cattle Overseers to order Slaughter of other Beasts.
34. Disposal of Carcases, Hides, &c.
35. Disinfecting of Shed.
36. Cattle Inspector to give Certificate of Facts.
37. Cattle Overseers to give Certificate of Value, &c.
38. Order of Petty Sessions for Compensation.
39. Where no Cattle Inspector, Cattle Owner to give Notice to Veterinary Surgeon, &c.
40. Order of Petty Sessions to be sent to Treasurer.
41. Quarterly Account of Compensation.
42. In County Quarter Sessions to levy Cattle Rate.
43. Separate Account, &c. of Cattle Rate.
44. Treasurer to pay Compensation.
45. Occupier to deduct Half of Cattle Rate from Rent.
46. In Borough, Compensation to be paid out of Borough Rates.

Restriction on Movements of Hides, &c.

47. Hides, &c., not to be moved on Railways for certain Time.
48. Hides, &c., not to be moved on Highway without Licence.
49. Licence, how to be obtained.

Restriction on Movement of Offal, Dung, &c.

50. Offal, Dung, &c., not to be moved on Railway.
51. Offal, Dung, &c., not to be moved on Highway till disinfected.
52. Penalty on Owner.
53. Penalty on Driver, Company, &c.

Disinfecting

Disinfecting of Trucks, Slaughter-houses, &c.

54. Officers to be appointed to disinfect Cattle Trucks, &c.

General Provisions.

55. Cattle Overseer not to act where interested.
56. Hours for Use of Licences as to Highways.
57. Penalty for Refusal to produce Licence.
58. Penalty for false Declaration.
59. Application of Penalties.
60. Instruments to be in Writing, &c.
61. Forms in Schedule.
62. Continuance of Act.

SCHEDULE.

A

B I L L

TO

Check the Spread of the Cattle Plague in Great Britain.

WHEREAS a contagious or infectious Disease now prevails among the Cattle of Great Britain, which is generally and in this Act designated the Cattle Plague, and which may be recognized by the following Symptoms; namely,—great Depression of vital Powers, frequent Shivering, staggering Gait, cold Extremities, quick and short Breathing, drooping Head, reddened Eyes, with a Discharge from them, and also from the Nostrils, of a mucous Nature, raw-looking Places on the inner Side of the Lips and Roof of the Mouth, Diarrhœa or dysenteric Purging: Preamble.

And whereas it is expedient to make better Provision for checking the Spread of the Cattle Plague in Great Britain:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

1. This Act may be cited as The Cattle Plague Act, 1866. Short Title.

Extent of Act.

2. This Act shall extend to England and Scotland.

Interpretation.

3. In this Act—

The Term "Beast" means any Cow, Heifer, Bull, Bullock, Ox, or Calf:

The Term "County" includes a Riding or Division of a County having a separate Court of Quarter Sessions or separate County Rates, but does not include a County of a City or of a Town being a Borough:

The Term "Justices in Quarter Sessions" means the Justices for the County in General or Quarter Sessions assembled:

The Term "Borough" means a City, Borough, or Town Corporate subject to the Provisions of the Acts relating to Municipal Corporations in England:

The Term "Parish" includes an extra-parochial Place separately maintaining its own Poor:

The Term "Overseers" includes Churchwardens:

The Term "Ratepayers" means Persons assessed to the Rates for the Relief of the Poor:

The Term "Justice" means a Justice of the Peace for the County or Place where the Matter requiring the Cognizance of a Justice arises and not interested in the Matter:

The Term "Two Justices" means Two or more Justices assembled and acting together.

What Beasts to be deemed sound, and what diseased.

4. For the Purposes of this Act a Beast shall be deemed sound if it is not affected with the Cattle Plague and has not been in contact with any Animal so affected (but not otherwise), and for the Purposes of this Act any Beast affected with the Cattle Plague, or having been in contact with any Animal so affected (but not otherwise), shall be deemed diseased.

Cattle Overseers.

Guardians of Poor to appoint Cattle Overseers.

5. The Guardians of the Poor for each Union, Parish, or Township shall, at their *First* Meeting after the *passing of this Act*, or as soon afterwards as conveniently may be, appoint from among themselves and the Ratepayers of the Union, Parish, or Township such and so many Persons as they think fit, not less than *One* for each Parish or Township, to be Cattle Overseers, to act in the Execution of this Act in and for the Parishes and Townships for which respectively they are appointed.

Cattle Police.

Chief Constable in County to

6. The Chief Constable of any County in England, by Direction of the Justices in Quarter Sessions or of any Committee of their Body

Body appointed by them and authorized in this Behalf, shall from Time to Time appoint and cause to be sworn in such additional Number of Constables in and for any Petty Sessional Division of the County as the Justices in Quarter Sessions or any such Committee think fit. appoint additional Constables.

7. The Constables so appointed shall be called the Cattle Police for the Petty Sessional Division, and shall have all the Powers, Privileges, and Duties of other County Constables, and shall bear some distinguishing Badge or Mark, but shall not necessarily be clothed in the Uniform of the County Constables. Powers, &c. of Cattle Police.

8. The Salaries and Allowances of the Cattle Police, and all Expenses incurred in providing them with Clothing and other Necessaries, shall be paid by the Treasurer of the County out of the Police Rate for the County exclusively; and any Payment out of Money provided by Parliament towards the Charge for County Police shall not extend to the Cattle Police. Payment of CattlePolice.

9. The Chief Constable shall, by the like Direction as aforesaid, at any Time discontinue the Cattle Police appointed for any Division or any of them. Discontinuance of CattlePolice.

10. Nothing in this Act relative to Cattle Police shall apply to the Metropolitan Police District. Saving for Metropolitan Police.

11. The Watch Committee of any Borough may from Time to Time appoint, and cause to be sworn in, such additional Number as they think requisite of fit Men who shall act as Constables within the Borough in the Execution of this Act, with all the Powers, Privileges, and Duties of other Borough Constables, and shall be called the Cattle Police of the Borough. In Boroughs Power for Watch Committee to appoint Cattle Police.

The Expenses of the Maintenance and Management of the Cattle Police in a Borough shall be defrayed out of the Borough Rates for the Borough.

Local Authority.

12. For the Purposes of this Act the Local Authority shall be as follows: Description of Local Authority.

In every County in England, the Justices in Quarter Sessions:

In the City of London and the Liberties thereof, the Lord Mayor:

In every Borough in England, the Mayor:

In every Burgh or Town in Scotland having a Town Council, the Provost or other principal Magistrate:

In every other Place in Scotland, the Justices of the County in Sessions assembled.

Cattle Inspectors.

Continuance of existing Inspectors.

13. All Persons appointed Inspectors before the passing of this Act under the Authority of any Order of the Lords of Her Majesty's Privy Council relative to the Cattle Plague, and being such at the passing of this Act, shall be Cattle Inspectors to act in the Execution of this Act in and for the Districts for which they respectively were appointed; but any such Appointment may at any Time be revoked by the Authority that would be empowered to revoke it if it had been made under this Act.

Cattle Inspectors for Metropolis.

14. Subject to the foregoing Provision for Continuance of Inspectors, the Clerk of Her Majesty's Privy Council shall from Time to Time appoint Cattle Inspectors within the Limits of the Metropolis, as defined by The Metropolis Management Act, 1855, exclusive of the City of London and the Liberties thereof, and exclusive of any Part of the County of Kent North of the Thames, and may from Time to Time revoke any such Appointment.

Appointment of Cattle Inspectors by Local Authority.

15. Subject to the foregoing Provisions for Continuance and Appointment of Cattle Inspectors, on the Local Authority for any District being satisfied of the Existence of the Cattle Plague in that District, the Local Authority shall forthwith, and thenceforth from Time to Time as Occasion requires, appoint One or more Veterinary Surgeon or Surgeons, or other proper Person or Persons, to be Cattle Inspector or Inspectors, to act in the Execution of this Act, in and for that District; and the same Authority may from Time to Time revoke any such Appointment.

Slaughter-houses.

Overseers to provide Slaughter-houses for Parish.

16. In every Parish in England the Overseers of the Poor shall from Time to Time, on the Requisition in Writing of Rate-payers of the Parish, provide at a Rent or otherwise such and so many fit and convenient Slaughter-houses for the Use of the Inhabitants of the Parish as they think requisite; and the Overseers shall cause the Slaughter-houses so provided to be at all Times sufficiently sewered, drained, and ventilated, and provided with all proper Fittings and Conveniences.

All Expenses incurred by the Overseers of any Parish in the Execution of this Enactment shall be defrayed out of the Poor Rate for the Parish.

Prohibition

Prohibition of Movement of Cattle, with Exceptions.

General Prohibition of Movement of Cattle.

17. From and after the *First* Day of *March* until the *Thirtieth* Day of *April One thousand eight hundred and sixty-six* inclusive, and thenceforth until the Operation of this Enactment is determined by an Order of the Lords of Her Majesty's Privy Council (which Order they are hereby empowered to make at any Time after the last-mentioned Day if and when they think fit), it shall not be lawful for any Person (except as in this Act expressly authorized) to move or cause to be moved any live Beast on any public Highway, or on any Railway, Canal, Navigation, or River.

Exception for Movement where separate Lands in same Occupation.

18. Where separate Buildings, Yards, or Closes are in the Occupation of the same Person any live Beasts, if sound, may, notwithstanding anything in this Act, for the Purpose of being taken from one of those Buildings, Yards, or Closes to another, be at any Time moved on any public Highway for any Distance not exceeding *Two hundred Yards*.

Exception for Beasts imported.

19. Any live Beast landed from a Vessel at any Port, if sound, may, notwithstanding anything in this Act, for the Purpose of being taken to any Lair, Market, or other Place where it is intended to be kept, sold, or slaughtered, be at any Time moved on any public Highway for any Distance not exceeding Yards.

Exception for Beasts going to Slaughterhouse under Act.

20. Any live Beast, if sound, may, notwithstanding anything in this Act, be at any Time moved, with a Licence, on any public Highway or otherwise, for the Purpose of being taken to be slaughtered at a Slaughterhouse established under this Act.

Exception for Changes of Tenancy.

21. In order to allow of the necessary Movements of Stock on Occasion of Changes of Tenancy,—in England from the *Twenty-fifth* Day of *March* to the *Sixth* Day of *April*, and from the *Twenty-ninth* Day of *September* to the *Tenth* Day of *October*, and in Scotland from the Day of to the Day of , and from the Day of to the Day of (all inclusive), in every Year while the Prohibition against the moving of live Beasts in this Act contained continues in force, any live Beast, if sound, may, notwithstanding anything in this Act, be moved with a Licence on any public Highway or otherwise for any Distance.

Exception for stocking of Farms.

22. In order to allow of the necessary Movements of Stock for the stocking and re-stocking of Farms,—from and after the *Twenty-fifth*

fifth Day of *March One thousand eight hundred and sixty-six*, for a Period not exceeding *Fourteen Days* in each Quarter of a Year (reckoned from the last-mentioned Day), the particular *Fourteen Days* in each Quarter to be determined for each District by the Local Authority, and to be notified by Advertisement in a Newspaper or Newspapers published or usually circulating in the District, any live Beast, if sound, may, notwithstanding anything in this Act, be moved with a Licence to or from any Part from or to any other Part of Great Britain on any public Highway or otherwise.

Restriction as to Two last Cases.

23. Provided, That neither of the Two last foregoing Provisions shall authorize any Person, at the Times and for the Purposes therein respectively mentioned, to move or cause to be moved any live Beast through or in Three or more Counties, otherwise than on a Railway, Canal, Navigation, or River, except within the Two terminal Counties.

Exception for Breeding.

24. In order to allow for the Breeding of Stock,—from and after the *Twenty-fifth* Day of *March One thousand eight hundred and sixty-six*, a Cow or Heifer, if sound, may, notwithstanding anything in this Act, be moved with a Breeding Licence on any public Highway or otherwise for any Distance to and from any Place where a Bull is kept.

Licence, how to be obtained.

25. Where under this Act a Licence for the moving of a live Beast is requisite, the same shall be obtained as follows, namely,—the Person desiring to move the Beast shall obtain from the Cattle Overseers of the Parish or Township in which the Beast is, or One of them, a Certificate of the Soundness of the Beast and of the Object of the intended Movement, and shall produce the same to a Justice, and shall make before the Justice a Declaration to the same Effect, and thereupon the Justice, unless he sees good Cause to the contrary, shall grant a Licence for the Movement of the Beast accordingly.

In case of a Breeding Licence the Certificate and Declaration shall extend also to the Fact of the Bull being sound, within the Meaning of this Act.

Penalty on Cattle Owner moving contrary to Act.

26. If the Person having in his Possession or Keeping any live Beast (hereafter in this Act designated a Cattle Owner), moves the Beast, or causes it to be moved in any respect in contravention of this Act, he shall for every such Offence, in respect of every Beast so moved, be liable on Summary Conviction before Two Justices to a Penalty not exceeding *Twenty Pounds*.

28. If

27. If any Person other than a Cattle Owner, or if any Company, knowingly and wilfully moves any live Beast in any respect in contravention of this Act, every such Person and every such Company shall for every such Offence, in respect of every Beast so moved, be liable on Summary Conviction before Two Justices to a Penalty not exceeding . . Pounds. Penalty on other Persons moving contrary to Act.

28. Where any live Beast is being moved on a public Highway it shall be presumed that it is being so moved in contravention of this Act until the contrary is shown. Presumption against Person moving.

29. Any Constable or other Peace Officer may stop and detain any live Beast being moved in his View along any public Highway which he has good Cause to suspect is being so moved in any respect in contravention of this Act, and may without Warrant apprehend the Driver or Person in charge of the Beast, who shall be taken as soon as may be before a Justice to be examined and dealt with according to Law; but any Beast or Person detained or apprehended under this Enactment shall not be detained by any Constable or other Peace Officer of his own Authority longer than is necessary for obtaining the Order of a Justice in the Matter, or longer than *Forty-eight Hours* at the utmost; and the Constable or other Peace Officer so detaining any Beast shall cause it to be supplied with requisite Food and Water during its Detention. Power for Constables to stop Beasts on Highway, &c.

30. Where any live Beast is detained under this Act, Two Justices may, if it appears to them that the Beast was when stopped being moved in contravention of this Act, order it to be slaughtered and its Carcase to be sold, buried, or otherwise disposed of as they think fit. Power for Justices to order Beast to be killed, &c.

The Proceeds of any such Sale shall be paid under the Order of Two Justices to the Treasurer of the County or Borough, and shall be placed, in a County to the Credit of the Cattle Rate Account to be kept under this Act, and in a Borough to the Credit of the Borough Fund.

Slaughter of diseased Cattle and Compensation.

31. Every Cattle Owner on finding any Beast in his Possession or Keeping to be diseased shall forthwith give Notice of the Fact to the Cattle Inspector of the District, and to the Cattle Overseers of the Parish or Township, within which the Beast is. Cattle Owner to give Notice of Disease.

32. On receiving any such Notice the Cattle Inspector shall forthwith proceed to examine the Beast to which the Notice refers, and if in his Opinion the Beast is diseased he shall forthwith cause Power for Cattle Inspector to order slaughter of Beast.

cause it to be slaughtered in or near the Building or Land where it is kept.

Power for Cattle Overseers to order Slaughter of other Beasts.

33. Thereupon the Cattle Overseer for the Parish or Township, with *Two* other Cattle Overseers acting in the same Petty Sessional Division or Borough, shall as soon as may be determine on the Evidence of the Cattle Owner and Cattle Inspector, and on such other Evidence as they think fit to require, whether or not it is necessary or proper to slaughter any other and what Beasts that have been in contact with the Animal slaughtered by Order of the Inspector, and may cause any such Beasts to be slaughtered accordingly.

Disposal of Carcases, Hides, &c.

34. If it appears to the Cattle Inspector or Cattle Overseers that the Flesh of any Beast slaughtered under their Order respectively is fit for Human Food, he or they (as the Case may be), shall cause it to be sold, and he or they shall also, where it seems proper, cause the Hide, Horns, and Hoofs of any such Beast, when effectually disinfected under his or their Direction, to be sold.

Where a Sale is not directed by the Cattle Inspector or Cattle Overseers, he or they shall cause the Carcases, and Hides, Horns, and Hoofs of the Beasts slaughtered, to be buried or otherwise disposed of, as seems expedient.

Disinfecting of Shed.

35. Where any Beast is slaughtered by Order of the Cattle Inspector or Cattle Overseers, he or they shall cause the Shed, Building, Yard, or Place in which it was kept to be cleansed and effectually disinfected.

Cattle Inspector to give Certificate of Facts.

36. Where any Beast is slaughtered by Order of the Cattle Inspector, he shall certify the Facts and deliver the Certificate to the Cattle Owner.

Cattle Overseers to give Certificate of Value, &c.

37. Where any Beast is slaughtered by Order of the Cattle Inspector or Cattle Overseers, the Cattle Overseers shall certify the Description thereof and the Value thereof to the best of their Judgment, and the Amount of the Proceeds (if any) of the Sale of the Carcase, Hide, Horns, and Hoofs thereof, and shall deliver the Certificate to the Cattle Owner.

Order of Petty Sessions for Compensation.

38. The Cattle Owner may produce the Certificate of the Cattle Overseers to the Justices at Petty Sessions, who shall inquire, on Oath or otherwise, as they think fit, into the Facts and Circumstances of the Case, and on being satisfied that the Cattle Owner has not in any respect contributed to the Loss of any Beast slaughtered by any Act done by him in contravention of this Act

or

or of any Order of the Lords of Her Majesty's Privy Council applicable in his Case, they shall make an Order for the Payment to the Cattle Owner of Compensation for the Loss of the Beast to which the Certificate relates, not exceeding in any Case the Value of the Beast in the Opinion of the Justices, and not exceeding in any Case the Amount specified in the Schedule to this Act with reference to Beasts of the Class comprising that to which the Certificate relates, and after deducting the Amount of the Proceeds (if any) of the Sale of the Carcase, Hide, Horns, and Hoofs thereof.

Where no Cattle Inspector, Cattle Owner to give notice to Veterinary Surgeon, &c.

39. If in any Place there is not any Cattle Inspector, every Cattle Owner, on finding any Beast in his Possession or Keeping there to be diseased, shall forthwith give notice of the Fact to some Veterinary Surgeon or other fit Person, and to the Cattle Overseers of the Parish or Township, and that Veterinary Surgeon or other Person shall to all Intents be in lieu of the Cattle Inspector for the Purposes of this Act, and this Act shall be construed accordingly.

Order of Petty Sessions to be sent to Treasurer.

40. The Order of the Justices in Petty Sessions shall be sent to the Treasurer of the County or Borough by the Clerk of the Justices, and a certified Copy thereof shall be delivered to the Cattle Owner on Request.

Quarterly Account of Compensation.

41. An Account shall be taken quarterly by the Treasurer of the County or Borough of the total Amount of Compensation payable under Orders of the Justices in Petty Sessions in the County or Borough.

In County, Quarter Sessions to levy Cattle Rate.

42. In a County, the Justices in Quarter Sessions shall from Time to Time make and levy a Rate, to be called the Cattle Rate, sufficient to produce the Sum required for the Payment of the total Amount of Compensation payable as aforesaid.

Separate Account, &c. of Cattle Rate.

43. A separate Account shall be kept of the Money received for the Cattle Rate, and the Amount thereof shall be distinguished in the Collection; but in all other respects the Cattle Rate shall be deemed to form Part of the County Rate, and shall be assessed and collected accordingly.

Treasurer to pay Compensation.

44. The Treasurer of the County shall, on Demand, pay out of the Money received for the Cattle Rate the several Amounts ordered to be paid as Compensation to Cattle Owners by the Justices in Petty Sessions.

Occupier to deduct Half of Cattle Rate from Rent.

45. The Occupier of any Lands, being Tenant thereof and paying the Cattle Rate, shall deduct One Moiety of the Sum so paid by him out of his next following Payment of Rent, and the Receivers of Her Majesty, and all Landlords, both mediate and immediate, and their Receivers and Agents, Representatives and Assigns, according to their respective Interests, shall allow that Deduction on Receipt of the Residue of the Rent; and the Tenant paying the Cattle Rate shall be discharged of the Amount so deducted as if it had been actually paid to the Person entitled to receive his Rent.

In Borough, Compensation to be paid out of Borough Rates.

46. In a Borough the Amount of Compensation payable under Orders of the Justices in Petty Sessions shall be from Time to Time paid on Demand by the Treasurer of the Borough out of Money raised by means of the Borough Rates.

Restriction on Movement of Hides, &c.

Hides, &c. not to be moved on Railways for certain Time.

47. From and after the *First Day of March* until the *Twenty-fifth* Day of *March One thousand eight hundred and sixty-six* inclusive, it shall not be lawful for any Person to move or cause to be moved any raw or untanned Hides or Skins of any Beasts or any Horns or Hoofs of any Beasts on any Railway, Canal, Navigation, or River.

Hides, &c., not to be moved on Highway without Licence.

48. From and after the *First Day of March* it shall not be lawful for any Person, except with a Licence, to move or cause to be moved any raw or untanned Hides or Skins of any Beasts or any Horns or Hoofs of any Beasts on any public Highway.

Licence, how to be obtained.

49. A Licence for the moving of the raw or untanned Hide or the Horns or Hoofs of any Beast shall be obtained as follows; namely, the Person desiring to move the same shall obtain from the Cattle Overseers of the Parish or Township in which the Beast was kept a Certificate that the Beast was sound, and shall produce the same to a Justice, and shall make before the Justice a Declaration to the same Effect, and thereupon the Justice, unless he sees good Cause to the contrary, shall grant a Licence for the moving the Hide, Skin, Horns, or Hoofs (as the Case may be) accordingly.

Restriction on Movement of Offal, Dung, &c.

Offal, Dung, &c. not to be moved on Railway.

50. From and after the *First Day of March* until the *Thirty-first* Day of *April One thousand eight hundred and sixty-six* inclusive, and thenceforth until the Operation of this Enactment is determined by an Order of the Lords of Her Majesty's Privy Council, (which Order they are hereby empowered to make at any Time after the last-mentioned Day if and when they think fit,) it shall

shall not be lawful for any Person to move or cause to be moved on any Railway, Canal, Navigation, or River, from any Building, Yard, Close, or Farm where live Beasts are kept, any Offal of Beasts, Dung, Hay, Straw, Fodder, or Litter.

Offal, Dung, &c. not to be moved on Highway till disinfected.

51. From and after the *passing of this Act* it shall not be lawful for any Person to move or cause to be moved on any public Highway from any Building, Yard, Close, or Farm where any diseased Beast has been kept, any Offal of Beasts, Dung, Hay, Straw, Fodder, or Litter, unless and until the same has been effectually disinfected under the Superintendence of the Cattle Inspector, and he has so certified.

Penalty on Owner.

52. If any Owner of any such Offal or other Thing acts in any respect in contravention of this Act, he shall for every such Offence be liable, on summary Conviction before *Two* Justices, to a Penalty not exceeding *Twenty Pounds*, and to a further Penalty not exceeding *Ten Pounds* for every *Half Ton* in Weight of such Offal or other Thing after the First *Half Ton*.

Penalty on Driver, Company, &c.

53. If any Person other than the Owner as aforesaid, or any Company, knowingly and wilfully acts in any respect in contravention of this Act with regard to any such Offal or other Thing, every such Person and every such Company shall for every such Offence be liable, on summary Conviction before Two Justices, to a Penalty not exceeding *Twenty Pounds*.

Disinfecting of Trucks, Slaughter-houses, &c.

Officers to be appointed to disinfect Cattle Trucks, &c.

54. Forthwith on the passing of this Act the Lords of Her Majesty's Privy Council shall appoint a sufficient Number of Persons who shall cleanse and disinfect or order and superintend the Cleansing and Disinfecting of all Cattle Trucks, Cattle Platforms, and Cattle Pens on or about any Railway, and all public Slaughter-houses, and all Slaughter-houses in the Occupation of Persons carrying on the Trade of a Butcher or Flesher, in such Manner as the Lords of Her Majesty's Privy Council direct, and so as to complete such Cleansing and Disinfecting with all practicable Speed, and not in any Case later than the *Twenty-fifth* Day of *March One thousand eight hundred and sixty-six*.

For the Purposes of this Enactment every such Person is hereby empowered to enter on and into every such Railway and all Buildings and Lands used therewith, and every such Slaughter-house, and to visit, inspect, cleanse, and disinfect the same accordingly.

If any Company or Person obstructs any such Person in the Execution of his Duty under this Enactment, every such Company or Person shall for every such Offence be liable on summary Conviction before *Two* Justices to a Penalty not exceeding Pounds.

The Expenses of the Execution of this Enactment shall be defrayed out of Money to be provided by Parliament for that Purpose.

General Provisions.

Cattle Overseer not to act where interested.

55. It shall not be lawful for any Cattle Overseer to act as such in any Case in which himself, or any Person standing towards him in the First Degree of Consanguinity or Affinity, is pecuniarily interested.

Hours for Use of Licences as to Highways.

56. Any Licence under this Act for the moving of any live Beast, Animal, or Thing, with respect to the moving thereof on any public Highway, shall be available only from the beginning of *One Hour* before Sunrise to the End of *One Hour* after Sunset.

Penalty for Refusal to produce Licence.

57. If any Person, having charge of any Beast, Animal, or Thing being moved on a Highway, Railway, Canal, Navigation, or River, for the moving whereof a Licence is requisite under this Act, on being required by any Justice, Cattle Overseer, Cattle Inspector, or Constable or other Peace Officer to produce the Licence (if any) for the moving of that Beast, Animal, or Thing, fails so to do, he shall for every such Offence be liable, on summary Conviction before a Justice, to a Penalty not exceeding Pounds.

Penalty for falseDeclaration.

58. If any Person knowingly and wilfully makes any false Statement in any Declaration under this Act, he shall for every such Offence be liable on summary Conviction to a Penalty not exceeding Pounds.

Application of Penalties.

59. Any Penalty recovered under this Act in a County in England shall be applied as follows; namely, *one Half* thereof shall be paid to the Informer and the *other Half* thereof shall be paid to the Treasurer of the County, and shall be by him placed to the Credit of the Cattle Rate Account.

Instruments to be in Writing, &c.

60. Any Certificate, Declaration, Licence, or other Instrument required under this Act may be in Writing or Print, or partly in Writing and partly in Print.

61. The

61. The Forms given in the Schedule to this Act, with such Variations or Additions as Circumstances require, shall be used for the respective Purposes in the Schedule indicated, and according to the Directions therein contained. Forms in Schedule.

62. Except as in this Act expressly otherwise provided, this Act shall continue in force for *Two Years* from its passing, and thence till the End of the then next Session of Parliament, and no longer. Continuance of Act.

The SCHEDULE.

Scale of Maximum Compensation.

Forms of Licences, &c.

Cattle Plague.

A

BILL

To check the Spread of the Cattle Plague in Great Britain.

(Prepared and brought in by Mr. Hunt, Mr. Holland, Mr. Banks Stanhope, and Sir James Fergusson.)

Ordered, by The House of Commons, *to be Printed*, 12 *February* 1866.

[Bill 7.]

Under 3 *oz.*

Cattle Plague Bill.

ARRANGEMENT OF CLAUSES.

Clause.

Preamble.

Preliminary.

1. Short Title.
2. Extent of Act.
3. Interpretation.
4. What Beasts to be deemed sound, and what diseased.

Cattle Overseers.

5. Guardians of Poor to appoint Cattle Overseers.

Cattle Police.

6. Chief Constable in County to appoint additional Constables.
7. Powers, &c., of Cattle Police.
8. Payment of Cattle Police.
9. Discontinuance of Cattle Police.
10. Saving for Metropolitan Police.
11. In Boroughs Power for Watch Committee to appoint Cattle Police.

Slaughter-houses.

12. Overseers to provide Slaughter-houses for Parish.

Prohibition of Movement of Cattle with Exceptions.

13. General Prohibition of Movement of Cattle.
14. Exception for Movement where separate Lands in same Occupation.
15. Exception for Beasts imported.
16. Exception for Beasts going to Slaughter-house under Act.
17. Exception for Changes of Tenancy.
18. Exception for Stocking of Farms.
19. Restriction as to Two last Cases.
20. Exception for Breeding.
21. Exception for Calves.—CLAUSE A.
22. Licence, how to be obtained.
23. Penalty on Cattle Owner moving contrary to Act.

Clause.
24. Penalty on other Persons moving contrary to Act.
25. Presumption against Person moving.
26. Power for Constables to stop Beasts on Highway, &c.
27. Power for Justices to order Beasts to be killed, &c.

Restriction on Movement of Hides, &c.

28. Hides, &c., not to be moved on Railways for certain Time.
29. Hides, &c., not to be moved on Highway without Licence.
30. Licence, how to be obtained.

Restriction on Movement of Offal, Dung, &c.

31. Offal, Dung, &c., not to be moved on Railway.
32. Offal, Dung, &c., not to be moved on Highway till disinfected.
33. Penalty on Owner.
34. Penalty on Driver, Company, &c.

Disinfecting of Trucks, Slaughter-houses, &c.

35. Officers to be appointed to disinfect Cattle Trucks, &c.

General Provisions.

36. Cattle Overseer not to act where interested.
37. Hours for Use of Licences as to Highways.
38. Licences in Metropolis.—Clause B.
39. Penalty for Refusal to produce Licence.
40. Penalty for false Declaration.
41. Application of Penalties.
42. Appeal.—Clause C.
43. Instruments to be in Writing, &c.
44. Forms in Schedule.
45. Renewal and Cesser of determinable Provisions.—Clause D.

Schedule.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Check the Spread of the Cattle Plague in Great Britain.

WHEREAS a contagious or infectious Disease now prevails among the Cattle of Great Britain, which is generally and in this Act designated the Cattle Plague, and which may be recognized by the following Symptoms; namely,—great Depression of vital Powers, frequent Shivering, staggering Gait, cold Extremities, quick and short Breathing, drooping Head, reddened Eyes, with a Discharge from them, and also from the Nostrils, of a mucous Nature, raw-looking Places on the inner Side of the Lips and Roof of the Mouth, Diarrhœa or dysenteric Purging: Preamble.

And whereas it is expedient to make better Provision for checking the Spread of the Cattle Plague in Great Britain:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

1. This Act may be cited as The Cattle Plague Act, 1866. Short Title.

Extent of Act.

2. This Act shall extend to England and Scotland.

Interpretation.

3. In this Act—

The Term "Beast" means any Cow, Heifer, Bull, Bullock, Ox, or Calf:

The Term "County" includes a Riding or Division of a County having a separate Court of Quarter Sessions or separate County Rates, but does not include a County of a City or of a Town being a Borough:

The Term "Justices in Quarter Sessions" means the Justices for the County in General or Quarter Sessions assembled:

The Term "Borough" means a City, Borough, or Town Corporate subject to the Provisions of the Acts relating to Municipal Corporations in England:

The Term "Local Authority" means a Local Authority constituted by or under any Order of the Lords of Her Majesty's Privy Council or any Act of Parliament respectively passed or to be passed relative to the Cattle Plague:

The Term "Cattle Inspector" means the Inspector appointed under any such Order or Act:

The Term "Parish" includes an extra-parochial Place separately maintaining its own Poor:

The Term "Overseers" includes Churchwardens:

The Term "Ratepayers" means Persons assessed to the Rates for the Relief of the Poor:

The Term "Justice" means a Justice of the Peace for the County or Place where the Matter requiring the Cognizance of a Justice arises and not interested in the Matter:

The Term "Two Justices" means Two or more Justices assembled and acting together.

What Beasts to be deemed sound, and what diseased.

4. For the Purposes of this Act a Beast shall be deemed sound if it is not affected with the Cattle Plague and has not been in contact with any Animal so affected, or been otherwise exposed to the Contagion of the Cattle Plague, and any Beast not sound shall be deemed diseased.

Cattle Overseers.

Guardians of Poor to appoint Cattle Overseers.

5. The Guardians of the Poor for each Union, Parish, or Township shall, at their First Meeting after the passing of this Act, or as soon afterwards as conveniently may be, and thenceforth from Time to Time as Occasion requires, appoint from among themselves and the Ratepayers of the Union, Parish, or Township such and so many Persons as they think fit, not less than One for each Parish or Township, to be Cattle Overseers, to act in the Execution

cution of this Act in and for the Parishes and Townships for which respectively they are appointed.

Cattle Police.

Chief Constable in County to appoint additional Constables.

6. The Chief Constable of any County in England, by Direction of the Justices in Quarter Sessions or of any Committee of their Body appointed by them and authorized in this Behalf, shall from Time to Time appoint and cause to be sworn in such additional Number of Constables in and for any Petty Sessional Division of the County as the Justices in Quarter Sessions or any such Committee think fit.

Powers, &c. of Cattle Police.

7. The Constables so appointed shall be called the Cattle Police for the Petty Sessional Division, and shall have all the Powers, Privileges, and Duties of other County Constables, and shall bear some distinguishing Badge or Mark, but shall not necessarily be clothed in the Uniform of the County Constables.

Payment of CattlePolice.

8. The Salaries and Allowances of the Cattle Police, and all Expenses incurred in providing them with Clothing and other Necessaries, shall be paid by the Treasurer of the County out of the Police Rate for the County exclusively; and any Payment out of Money provided by Parliament towards the Charge for County Police shall not extend to the Cattle Police.

Discontinuance of CattlePolice.

9. The Chief Constable shall, by the like Direction as aforesaid, at any Time discontinue the Cattle Police appointed for any Division or any of them.

Saving for Metropolitan Police.

10. Nothing in this Act relative to Cattle Police shall apply to the Metropolitan Police District.

In Boroughs Power for Watch Committee to appoint Cattle Police.

11. The Watch Committee of any Borough may from Time to Time appoint, and cause to be sworn in, such additional Number as they think requisite of fit Men who shall act as Constables within the Borough in the Execution of this Act, with all the Powers, Privileges, and Duties of other Borough Constables, and shall be called the Cattle Police of the Borough.

The Expenses of the Maintenance and Management of the Cattle Police in a Borough shall be defrayed out of the Borough Rates for the Borough.

Slaughter-houses.

Overseers to provide Slaughter-houses for Parish.

12. In every Parish in England the Overseers of the Poor shall from Time to Time, on the Requisition in Writing of Rate-payers

payers of the Parish, provide at a Rent or otherwise such and so many fit and convenient Slaughter-houses for the Use of the Inhabitants of the Parish as they think requisite; and the Overseers shall cause the Slaughter-houses so provided to be at all Times maintained and repaired, sufficiently sewered, drained, and ventilated, and provided with all proper Fittings and Conveniences.

All Expenses incurred by the Overseers of any Parish in the Execution of this Enactment shall be defrayed out of the Poor Rate for the Parish.

Prohibition of Movement of Cattle, with Exceptions.

General Prohibition of Movement of Cattle.

13. From the First Day of March until the Thirtieth Day of April One thousand eight hundred and sixty-six, both inclusive, and thenceforth until the Operation of this Enactment is determined by an Order of the Lords of Her Majesty's Privy Council (which Order they are hereby empowered to make at any Time after the last-mentioned Day if and when they think fit), it shall not be lawful for any Person (except as in this Act expressly authorized) to move or cause to be moved any live Beast on any public Highway, or on any Canal or Navigation, or on any Part of any River not navigated by Seagoing Ships.

Exception for Movement where separate Lands in same Occupation.

14. Where separate Buildings, Yards, or Closes are in the Occupation of the same Person any live Beasts, if sound, may, notwithstanding anything in this Act, for the Purpose of being taken from one of those Buildings, Yards, or Closes to another, be at any Time moved on any public Highway for any Distance not exceeding Two hundred Yards.

Exception for Beasts imported.

15. Any live Beast landed from a Vessel at any Port, if sound, may, notwithstanding anything in this Act, for the Purpose of being taken to any Lair, Market, or other Place where it is intended to be kept, sold, or slaughtered, be at any Time moved on any public Highway for any Distance not exceeding Five hundred Yards.

Exception for Beasts going to Slaughter-house under Act.

16. Any live Beast, if sound, may, notwithstanding anything in this Act, be at any Time moved, with a Licence, on any public Highway for any Distance not exceeding Two Miles, for the Purpose of being taken to be slaughtered at a Slaughter-house provided under this Act.

Exception for Changes of Tenancy.

17. In order to allow of the necessary Movements of Stock on Occasion of Changes of Tenancy,—in England from the Twenty-fifth Day of March to the Sixth Day of April, and from the Twenty-ninth

ninth Day of September to the Tenth Day of October, and in Scotland from the Fifteenth Day of May to the Twenty-sixth Day of May, and from the Eleventh Day of November to the Twenty-second Day of November (all inclusive), in every Year while the Prohibition against the moving of live Beasts in this Act contained continues in force, any live Beast, if sound, may, notwithstanding anything in this Act, be moved with a Licence on any public Highway or otherwise for any Distance.

This Enactment shall extend also to any Case of a Change of Tenancy (proved to the Satisfaction of the Justice granting a Licence) occurring at a Time not within the Days aforesaid.

Exception for stocking of Farms.

18. In order to allow of the necessary Movements of Stock for the stocking and re-stocking of Farms,—from the Twenty-fifth Day of March One thousand eight hundred and sixty-six inclusive, for a Period not exceeding Fourteen Days in each Quarter of a Year (reckoned from the last-mentioned Day), the particular Fourteen Days in each Quarter to be determined for each District by the Local Authority, and to be notified by Advertisement in a Newspaper or Newspapers published or usually circulating in the District, any live Beast, if sound, may, notwithstanding anything in this Act, be moved with a Licence to or from any Part from or to any other Part of Great Britain on any public Highway or otherwise.

Restriction as to Two last Cases.

19. Provided, That neither of the Two last foregoing Provisions shall authorize any Person, at the Times and for the Purposes therein respectively mentioned, to move or cause to be moved any live Beast through or in Three or more Counties, otherwise than on a Railway, Canal, Navigation, or River, except within the Two terminal Counties.

Exception for Breeding.

20. In order to allow for the Breeding of Stock,—from the Twenty-fifth Day of March One thousand eight hundred and sixty-six inclusive, a Cow or Heifer, if sound, may, notwithstanding anything in this Act, be moved with a Breeding Licence on any public Highway for any Distance not exceeding Three Miles to and from any Place where a Bull is kept.

From the same Day inclusive a Bull, if sound, may, notwithstanding anything in this Act, be moved with a Breeding Licence on any public Highway, for any Distance not exceeding Twenty Miles, to any Place where any Cow or Heifer in the Possession or keeping of the Owner or Hirer of the Bull is kept.

Clause A. Exception for Calves.

21. From the Twenty-fifth Day of March One thousand eight hundred and sixty-six inclusive, any Calf, if sound, not being more

than Twenty-one Days old, may, notwithstanding anything in this Act, be moved on any public Highway in a Cart or other Vehicle for any Distance not exceeding Miles.

Licence, how to be obtained.

22. Where under this Act a Licence for the moving of a live Beast is requisite, the same shall be obtained as follows, namely,— the Person desiring to move the Beast shall obtain from the Cattle Overseers of the Parish or Township in which the Beast is, or One of them, a Certificate of the Soundness of the Beast and of the Object of the intended Movement, and shall produce the same to a Justice, and shall make and sign before the Justice a Declaration to the same Effect, and thereupon the Justice, unless he sees good Cause to the contrary, shall grant a Licence for the Movement of the Beast accordingly.

In case of a Breeding Licence for the moving of a Cow or Heifer the Certificate and Declaration shall extend also to the Fact of the Bull being sound, and in case of a Breeding Licence for the moving of a Bull the Certificate and Declaration shall extend also to the Fact of the Cows and Heifers kept at the Place to which the Bull is to be moved being sound.

Penalty on CattleOwner moving contrary to Act.

23. If the Person having in his Possession or Keeping any live Beast moves the Beast, or causes it to be moved in any respect in contravention of this Act, he shall for every such Offence, in respect of every Beast so moved, be liable on Summary Conviction before Two Justices to a Penalty not exceeding Twenty Pounds.

Penalty on otherPersons moving contrary to Act.

24. If any Person other than the Person having in his Possession or Keeping any live Beast knowingly and wilfully moves, or if any Company knowingly and wilfully move, any live Beast in any respect in contravention of this Act, every such Person and every such Company shall for every such Offence, in respect of every Beast so moved, be liable on Summary Conviction before Two Justices to a Penalty not exceeding Pounds.

Presumption against Person moving.

25. Where any live Beast is being moved on a public Highway it shall be presumed that it is being so moved in Contravention of this Act until the contrary is shown.

Power for Constables to stopBeasts on Highway, &c.

26. Any Constable or other Peace Officer may stop and detain any live Beast being moved in his View along any public Highway which he has good Cause to suspect is being so moved in any respect in contravention of this Act, and may without Warrant apprehend the Driver or Person in charge of the Beast, who shall be taken as soon as may be before a Justice to be examined and dealt

dealt with according to Law; but any Beast or Person detained or apprehended under this Enactment shall not be detained by any Constable or other Peace Officer of his own Authority longer than is necessary for obtaining the Order of a Justice in the Matter, or longer than Forty-eight Hours at the utmost; and the Constable or other Peace Officer so detaining any Beast shall cause it to be supplied with requisite Food and Water during its Detention.

Power for Justices to order Beast to be killed, &c.

27. Where any live Beast is detained under this Act, Two Justices may, if it appears to them that the Beast was when stopped being moved in Contravention of this Act, order it to be slaughtered and its Carcase to be sold, buried, or otherwise disposed of as they think fit.

The Proceeds of any such Sale shall be paid under the Order of Two Justices to the Treasurer of the County or Borough, and shall be placed in a County to the Credit of the County Rate, and in a Borough to the Credit of the Borough Fund.

Restriction on Movement of Hides, &c.

Hides, &c. not to be moved on Railways for certain Time.

28. From the First Day of March until the Twenty-fifth Day of March One thousand eight hundred and sixty-six, both inclusive, it shall not be lawful for any Person to move or cause to be moved any raw or untanned Hides or Skins of any Animals or any Horns or Hoofs of any Animals on any Canal, Navigation, or River, in any Manner, or on any Railway, except in covered Vans.

Hides, &c. not to be moved on Highway without Licence.

29. From the First Day of March One thousand eight hundred and sixty-six inclusive, it shall not be lawful for any Person, except with a Licence, to move or cause to be moved any raw or untanned Hides or Skins of any Animals or any Horns or Hoofs of any Animals on any public Highway.

Licence, how to be obtained.

30. A Licence for the moving of the raw or untanned Hide or Skin or the Horns or Hoofs of any Animal shall be obtained as follows, namely,—the Person desiring to move the same shall obtain from the Cattle Overseers of the Parish or Township in which the Animal was kept a Certificate that the Animal was sound, or that its Hide or Skin, Horns or Hoofs (as the Case may be), has or have been effectually disinfected, and shall produce that Certificate to a Justice, and shall make and sign before the Justice a Declaration to the same Effect, and thereupon the Justice, unless he sees good Cause to the contrary, shall grant a Licence for the moving of the Hide, Skin, Horns, or Hoofs (as the Case may be) accordingly.

Restriction on Movement of Offal, Dung, &c.

Offal, Dung, &c. not to be moved on Railway.

31. From the First Day of March until the Thirty-first Day of April One thousand eight hundred and sixty-six, both inclusive, and thenceforth until the Operation of this Enactment is determined by an Order of the Lords of Her Majesty's Privy Council, (which Order they are hereby empowered to make at any Time after the last-mentioned Day if and when they think fit,) it shall not be lawful for any Person to move or cause to be moved on any Railway, Canal, Navigation, or River, from any Building, Yard, Close, or Farm where live Beasts are kept, any Offal of Beasts, Dung, Hay, Straw, Fodder, or Litter, that has been exposed to the Contagion of the Cattle Plague.

Offal, Dung, &c. not to be moved on Highway till disinfected.

32. From and after the passing of this Act it shall not be lawful for any Person to move or cause to be moved on any public Highway from any Building, Yard, Close, or Farm where any diseased Beast has been kept, any Offal of Beasts, Dung, Hay, Straw, Fodder, or Litter, unless and until the same has been effectually disinfected under the Superintendence of the Cattle Inspector, and he has so certified.

Penalty on Owner.

33. If any Owner of any such Offal or other Thing acts in any respect in contravention of this Act, he shall for every such Offence be liable, on summary Conviction before Two Justices, to a Penalty not exceeding Twenty Pounds, and to a further Penalty not exceeding Ten Pounds for every Half Ton in Weight of such Offal or other Thing after the First Half Ton.

Penalty on Driver, Company, &c.

34. If any Person other than the Owner as aforesaid, or any Company, knowingly and wilfully acts in any respect in Contravention of this Act with regard to any such Offal or other Thing, every such Person and every such Company shall for every such Offence be liable, on summary Conviction before Two Justices, to a Penalty not exceeding Twenty Pounds.

Disinfecting of Trucks, Slaughter-houses, &c.

Officers to be appointed to disinfect Cattle Trucks, &c.

35. Forthwith on the passing of this Act the Lords of Her Majesty's Privy Council shall appoint a sufficient Number of Persons who shall cleanse and disinfect or order and superintend the Cleansing and Disinfecting of all Cattle Trucks, Cattle Platforms, and Cattle Pens on or about any Railway, and all public Slaughter-houses, and all Slaughter-houses in the Occupation of Persons carrying on the Trade of a Butcher or Flesher, in such Manner as the Lords of Her Majesty's Privy Council direct, and so as

as to complete such Cleansing and Disinfecting with all practicable Speed, and not in any Case later than the Twenty-fifth Day of March One thousand eight hundred and sixty-six.

For the Purposes of this Enactment every such Person is hereby empowered to enter on and into every such Railway and all Buildings and Lands used therewith, and every such Slaughter-house, and to visit, inspect, cleanse, and disinfect the same accordingly.

If any Company or Person obstructs any such Person in the Execution of his Duty under this Enactment, every such Company or Person shall for every such Offence be liable on summary Conviction before Two Justices to a Penalty not exceeding Pounds.

The Expenses of the Execution of this Enactment shall be defrayed out of Money to be provided by Parliament for that Purpose.

General Provisions.

Cattle Overseer not to act where interested.

36. It shall not be lawful for any Cattle Overseer to act as such in any Case in which himself, or any Person standing towards him in the First Two Degrees of Consanguinity or Affinity, is pecuniarily interested.

Hours for Use of Licences as to Highways.

37. Any Licence under this Act for the moving of any live Beast, Animal, or Thing shall, with respect to the moving thereof on any public Highway, be available only from the beginning of One Hour before Sunrise to the End of One Hour after Sunset.

Any such Licence shall be available only for Four Days, including the Day of the granting thereof.

Every such Licence shall specify the Route to be taken and the Name of the Driver or other Person who is to have charge of the Beast, Animal, or Thing to which the Licence relates.

Clause B. Licences in Metropolis.

38. In the Metropolis (that is to say, all Parishes and Places in which the Metropolitan Board of Works have Power to levy a Main Drainage Rate, with the Exception of the City of London and the Liberties thereof,) any Licence under this Act may be granted by the Commissioner of Police of the Metropolis instead of a Justice, and this Act shall be construed accordingly.

Penalty for Refusal to produce Licence.

39. If any Person, having charge of any Beast, Animal, or Thing being moved on a Highway, Railway, Canal, Navigation, or River, for the moving whereof a Licence is requisite under this Act, on being required by any Justice, Cattle Overseer, Cattle Inspector,

or Constable or other Peace Officer to produce the Licence (if any) for the moving of that Beast, Animal, or Thing, fails so to do, he shall for every such Offence be liable, on summary Conviction before a Justice, to a Penalty not exceeding Ten Pounds.

Penalty for false Declaration.

40. If any Person knowingly and wilfully makes any false Statement in any Declaration under this Act, he shall for every such Offence be liable, on summary Conviction before Two Justices, to a Penalty not exceeding Fifty Pounds, or, in the Discretion of the Justices, to be imprisoned for any Term not exceeding Two Months, with or without Hard Labour.

Application of Penalties.

41. Any Penalty recovered under this Act in a County in England shall be applied as follows; namely, one Half thereof shall be paid to the Informer and the other Half thereof shall be paid to the Treasurer of the County, and shall be by him placed to the Credit of the County Rate.

Clause C. Appeal.

42. If any Party feels aggrieved by the Dismissal of his Complaint by the Justices, or by any Determination or Adjudication of the Justices, with respect to any Penalty or Forfeiture under this Act, the Party so dissatisfied may appeal therefrom, subject to the Conditions and Regulations following:

1. The Appeal shall be made to some Court of General or Quarter Sessions for the County or Place in which the Cause of Appeal has arisen, holden not less than Fifteen Days and not more than Four Months after the Decision of the Justices from which the Appeal is made:
2. The Appellant shall, within Three Days after the Cause of Appeal has arisen, give Notice to the Clerk of the Petty Sessional Division for which the Justices act whose Decision is appealed from of his Intention to appeal, and of the Grounds thereof, and in Scotland to the Clerk of the Peace for the County:
3. The Appellant shall immediately after such Notice enter into a Recognizance, before a Justice of the Peace, with Two sufficient Sureties, conditioned personally to try such Appeal, and to abide the Judgment of the Court thereon, and to pay such Costs as may be awarded by the Court:
4. The Court may adjourn the appeal, and may make such Order thereon as they think just:

But nothing in the present Section respecting Appeals shall affect any Enactments relative to Appeals in Cases of summary Convictions or Adjudications in the City of London or the Metropolitan Police District.

43. Any

43. Any Certificate, Declaration, Licence, or other Instrument required under this Act may be in Writing or Print, or partly in Writing and partly in Print. Instruments to be in Writing, &c.

44. The Forms given in the Schedule to this Act, with such Variations or Additions as Circumstances require, shall be used for the respective Purposes in the Schedule indicated, and according to the Directions therein contained. Forms in Schedule.

CLAUSE D.

45. If at any Time any Enactment in this Act is by virtue of this Act determined by an Order of the Lords of Her Majesty's Privy Council, the same may be at any Time or from Time to Time thereafter renewed by an Order of the same Authority; but the Enactment in this Act, the Operation whereof is made determinable by such an Order, and all Enactments in this Act relative thereto, shall, notwithstanding any Order of Renewal, absolutely cease to operate at the End of the Session of Parliament next following the present Session. Renewal and Cesser of determinable Provisions.

The SCHEDULE.

Forms of Licences, &c.

Cattle Plague.

A

BILL

[AS AMENDED IN COMMITTEE]

To check the Spread of the Cattle Plague in Great Britain.

(*Prepared and brought in by Mr. Hunt, Mr. Holland, Mr. Banks Stanhope, and Sir James Fergusson.*)

Ordered, by The House of Commons, *to be Printed*, 16 *February* 1866.

[Bill 20.]

Under 2 oz.

Cattle Plague Bill.

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT.]

ARRANGEMENT OF CLAUSES.

Clause.

Preamble.

Preliminary.

1. Short Title.
2. Extent of Act.
3. Interpretation.
4. What Beasts to be deemed sound, and what diseased.

Prohibition of Movement of Cattle, with Exceptions.

5. General Prohibition of Movement of Cattle.

Exceptions to take effect immediately.

6. Exception for Movement where separate Lands in same Occupation.
7. Exception for Beasts going to Slaughter-house under Act.
8. Exception for Milch Cows for Ships.
9. Exception for Breeding.
10. Exception for Calves.
11. Penalty on Cattle Owner moving contrary to Act.
12. Presumption against Person moving.
13. Power for Constables to stop Beasts on Highway, &c.
14. Power for Justices to order Beasts to be killed, &c.

General Provisions.

15. Restriction on Dogs.
16. Hours for Use of Licences as to Highways.
17. Licences in Metropolis.
18. Penalty for Refusal to produce Licence.
19. Penalty for false Declaration.
20. Application of Penalties.
21. Appeal.
22. Instruments to be in Writing, &c.
23. Forms in Schedule.

Clause.
24. Power for Cattle Owner to prevent Trespass on his Land.—Clause A.
25. Publication of Abstract of Act.—Clause B.
26. Provision as to Removal of Beasts brought by Sea.—Clause C.
27. As to Right to turn out Beasts on Commons.—Clause D.
28. Diseased Beasts not to be turned out on Commons.—Clause E.
29. Defining Counties to which certain Parishes belong.—Clause F.
30. Appointment of general Cattle Inspectors.—Clause G.
31. Inspection of Cattle Sheds.—Clause H.
32. Proclamation of infected District.—Clause I.
33. Relaxation of Prohibition by Local Authority to be approved by Secretary of State after Lady Day.—Clause J.

Schedule.

A

B I L L

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

TO

Check the Spread of the Cattle Plague in Great Britain.

WHEREAS a contagious or infectious Disease now prevails among the Cattle of Great Britain, which is generally and in this Act designated the Cattle Plague, and which may be recognized by the following Symptoms; namely,—great Depression of vital Powers, frequent Shivering, staggering Gait, cold Extremities, quick and short Breathing, drooping Head, reddened Eyes, with a Discharge from them, and also from the Nostrils, of a mucous Nature, raw-looking Places on the inner Side of the Lips and Roof of the Mouth, Diarrhœa or dysenteric Purging: Preamble.

And whereas it is expedient to make better Provision for checking the Spread of the Cattle Plague in Great Britain:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

1. This Act may be cited as The Cattle Plague Act, 1866. Short Title.

Extent of Act.

2. This Act shall extend to England and Scotland.

Interpretation.

3. In this Act—

The Term "Beast" means any Cow, Heifer, Bull, Bullock, Ox, or Calf: "Animal" shall mean "Beast," as above defined, Sheep, Goats, and Swine:

The Term "County" includes a Riding or Division of a County having a separate Court of Quarter Sessions or separate County Rates, but does not include a County of a City or of a Town being a Borough:

The Term "Justices in Quarter Sessions" means the Justices for the County in General or Quarter Sessions assembled:

The Term "Borough" means a City, Borough, or Town Corporate subject to the Provisions of the Acts relating to Municipal Corporations in England:

The Term "Local Authority" means a Local Authority constituted by or under any Order of the Lords of Her Majesty's Privy Council or any Act of Parliament respectively passed or to be passed relative to the Cattle Plague:

The Term "Cattle Inspector" means the Inspector appointed under any such Order or Act:

The Term "Parish" includes an extra-parochial Place separately maintaining its own Poor:

The Term "Ratepayers" means Persons assessed to the Rates for the Relief of the Poor:

The Term "Justice" means a Justice of the Peace for the County or Place where the Matter requiring the Cognizance of a Justice arises and not interested in the Matter:

The Term "Two Justices" means Two or more Justices assembled and acting together:

The Term "River" means a River or any Part of a River not navigable for Sea-going Vessels; and any Part of a River so navigable shall be deemed Sea:

The Term "Railway" includes Tramway:

The Term "Railway Company" includes any Company or Persons being Proprietors or Lessees of or working a Railway:

The Term "Highway" does not include Footpath or Bridleway in enclosed Land, but includes an Occupation Road used in common by the several Occupiers of distinct Farms or Holdings, but so that any such Road be not deemed a Highway with reference to any One of those Farms or Holdings where and as far as it lies within the Limits of that Farm or Holding; and in Scotland means any Turnpike, Statute Labour, Parish, or Drove Road.

4. For

4. For the Purposes of this Act, an Animal shall be deemed sound if and when it is not affected with the Cattle Plague, and has not, within Thirty Days, been in contact with any Animal so affected, and has not, within Thirty Days, been in or on any Building or Yard or Field where any Animal so affected had been kept, unless that Building or Yard or Field had been effectually cleansed and disinfected at least Thirty Days previously to the Beast being placed in or on the same. What Beasts to be deemed sound, and what diseased.

Prohibition of Movement of Cattle, with Exceptions.

5. From the First Day of March until the Twenty-fifth Day of March One thousand eight hundred and sixty-six, both inclusive, and thenceforth until the Operation of this Enactment is determined by an Order of the Lords of Her Majesty's Privy Council (which Order they are hereby empowered to make at any Time after the last-mentioned Day, if and when they think fit), it shall not be lawful for any Person (except as in this Act expressly authorized) to move or cause to be moved any live Beast on any public Highway, or on any Canal, Navigation, or River: Provided, nevertheless, that nothing in this Act contained shall prevent the Removal of live Beasts within any District which the Lords of Her Majesty's Privy Council shall, by Order in Council, declare to be free from Cattle Plague, such District having well-defined Boundaries; provided also, that such Order may from Time to Time be varied or revoked; provided that it shall be lawful for the Local Authority having Jurisdiction within the District so exempted as aforesaid, by Order to be published in some Newspaper circulating within its Jurisdiction, to prohibit altogether or to impose Restrictions or Conditions on the Introduction of Beasts into its District, and also on the Removal of Beasts from Place to Place within its District. General Prohibition of Movement of Cattle.

Exceptions to take effect immediately.

6. Where separate Buildings, Yards, or Lands are in the Occupation of the same Person, any live Beasts, if sound, may, notwithstanding anything in this Act, for the Purpose of being taken from one of those Buildings, Yards, or Lands to another, be at any Time moved on any public Highway for any Distance not exceeding Two hundred Yards, and with a Licence for any longer Distance, and until such Licence shall be revoked, provided that such Distance shall not exceed Two Miles. Exception for Movement where separate Lands in same Occupation.

7. Any live Beast, if sound, may, notwithstanding anything in this Act, be at any Time moved, with a Licence, on any public Highway Exception for Beasts going to Slaughter-

house under Act.

Highway for any Distance not exceeding Six Miles, for the Purpose of immediate Slaughter at a Slaughter-house.

Exception for Milch Cows for Ships.

8. Any Milch Cow, if sound, may, notwithstanding anything in this Act, be at any Time moved, with a Licence, on any public Highway for any Distance, in a covered Van, for the Purpose of being placed on board a Vessel Outward Bound.

Exception for Breeding.

9. In order to allow for the Breeding of Stock, a Cow or Heifer, if sound, may, notwithstanding anything in this Act, be moved with a Breeding Licence on any public Highway for any Distance not exceeding Six Miles to and from any Place where a Bull is kept.

A Bull, if sound, may, notwithstanding anything in this Act, be moved with a Breeding Licence on any public Highway, for any Distance not exceeding Twenty Miles, to any Place where any Cow or Heifer in the Possession or Keeping of the Owner or Hirer of the Bull is kept.

Exception for Calves.

10. Any Calf, if sound, not being more than Twenty-one Days old, may, notwithstanding anything in this Act, be moved, with a Licence, on any public Highway in a Cart or other Vehicle for any Distance not exceeding Twenty Miles.

Penalty on CattleOwner moving contrary to Act.

11. If the Person having in his Possession or Keeping any live Beast moves the Beast, or causes it to be moved, in any respect in contravention of this Act, he shall for every such Offence, in respect of every Beast so moved, be liable on Summary Conviction before Two Justices to a Penalty not exceeding Twenty Pounds; and where any such Act is committed with respect to more than Four Animals, a Penalty not exceeding Five Pounds for each Animal may be imposed instead of the Penalty of Twenty Pounds.

Presumption against Person moving.

12. Where any Person is charged before a Justice of the Peace with having moved a live Beast on a public Highway, it shall be presumed that it has been so moved in contravention of this Act until the contrary is shown.

Power for Constables to stopBeasts on Highway, &c.

13. Any Constable or other Peace Officer may stop and detain any live Beast being moved in his View along any public Highway which he has good Cause to suspect is being so moved in contravention of this Act, and may without Warrant apprehend the Driver or Person in charge of the Beast, unless such Driver or Person shall produce a Licence authorizing him to move such Beast, and such Driver or Person shall be taken as soon as may be before a Justice

a Justice to be examined and dealt with according to Law; but any Beast or Person detained or apprehended under this Enactment shall not be detained by any Constable or other Peace Officer of his own Authority longer than is necessary for obtaining the Order of a Justice in the Matter, or longer than Forty-eight Hours at the utmost; and the Constable or other Peace Officer so detaining any Beast shall cause it to be supplied with requisite Food and Water during its Detention.

Power for Justices to order Beast to be killed, &c.

14. Where any live Beast is detained under this Act, Two Justices may, if it appears to them that the Beast was when stopped being moved in contravention of this Act, order it to be slaughtered, and its Carcase to be sold, buried, or otherwise disposed of as they think fit.

The Proceeds of any such Sale shall be paid under the Order of Two Justices to the Treasurer of the County or Borough, and shall be placed in a County to the Credit of the County Rate, and in a Borough to the Credit of the Borough Fund.

General Provisions.

Restriction on Dogs.

15. Each Local Authority may from Time to Time order that Dogs be not allowed to go at large, not under the Control of their Owner, or his or her Servant or Servants, in the District of the Local Authority, either absolutely or except in conformity with Conditions prescribed by the Order, and may by any such Order authorize any Constable or Peace Officer or other Person to destroy any Dog going at large in contravention of the Order, and may from Time to Time vary, suspend, or revoke any such Order; and every such Order, while in force, shall be sufficient Warrant for any Person acting in pursuance thereof.

Hours for Use of Licences as to Highways.

16. Any Licence under this Act for the moving of any live Beast, Animal, or Thing shall, with respect to the moving thereof on any public Highway, be available only from the Beginning of One Hour before Sunrise to the End of One Hour after Sunset.

Any such Licence shall be available only for Four Days, including the Day of the granting thereof.

Every such Licence shall specify the Route to be taken and the Name of the Driver or other Person who is to have charge of the Beast, Animal, or Thing to which the Licence relates.

Licences in Metropolis.

17. In the Metropolis (that is to say, all Parishes and Places in which the Metropolitan Board of Works have Power to levy a Main Drainage Rate, with the Exception of the City of London and the Liberties thereof,) any Licence under this Act shall be granted by

the Commissioner of Police of the Metropolis instead of a Justice, and this Act shall be construed accordingly.

Penalty for Refusal to produce Licence.

18. If any Person, having charge of any Beast, Animal, or Thing being moved on a Highway, Railway, Canal, Navigation, or River, for the moving whereof a Licence is requisite under this Act, on being required by any Person to produce the Licence (if any) for the moving of that Beast, Animal, or Thing, fails so to do, he shall for every such Offence be liable, on Summary Conviction before a Justice, to a Penalty not exceeding Ten Pounds.

Penalty for false Declaration.

19. If any Person knowingly and wilfully makes any false Statement in any Declaration under this Act, he shall for every such Offence be liable, on Summary Conviction before Two Justices, to a Penalty not exceeding Fifty Pounds, or, in the Discretion of the Justices, to be imprisoned for any Term not exceeding Two Months, with or without Hard Labour.

Application of Penalties.

20. Any Penalty recovered under this Act in a County shall be applied as follows; namely, one Half thereof shall be paid to the Informer, and the other Half thereof shall be paid to the Treasurer of the County, and shall be by him placed to the Credit of the County Rate.

Appeal.

21. If any Party feels aggrieved by the Dismissal of his Complaint by any Justice or Justices, or by any Determination or Adjudication of the Justices, with respect to any Penalty or Punishment under this Act, the Party so dissatisfied may appeal therefrom, subject to the Conditions and Regulations following:

1. The Appeal shall be made to some Court of General or Quarter Sessions for the County or Place in which the Cause of Appeal has arisen, holden not less than Fifteen Days and not more than Four Months after the Decision from which the Appeal is made:
2. The Appellant shall, within Three Days after the Cause of Appeal has arisen, give Notice to the Clerk of the Petty Sessional Division which the Decision appealed from was made of his Intention to appeal, and of the Grounds thereof, and in Scotland to the Clerk of the Peace for the County:
3. The Appellant shall immediately after such Notice enter into a Recognizance, before a Justice of the Peace, with Two sufficient Sureties, conditioned personally to try such Appeal, and to abide the Judgment of the Court thereon, and to pay such Costs as may be awarded by the Court:
4. The Court may adjourn the appeal, and may make such Order thereon as they think just:

But

But nothing in the present Section respecting Appeals shall affect any Enactments relative to Appeals in Cases of Summary Convictions or Adjudications in the City of London or the Metropolitan Police District.

Instruments to be in Writing, &c

22. Any Certificate, Declaration, Licence, or other Instrument required under this Act may be in Writing or Print, or partly in Writing and partly in Print.

Forms in Schedule.

23. The Forms given in the Schedule to this Act, with such Variations or Additions as Circumstances require, shall be used for the respective Purposes in the Schedule indicated, and according to the Directions therein contained.

CLAUSE A. Power for Cattle Owner to prevent Trespass on his Land.

24. Where any Person, having any Beast in his Possession or Keeping within the District of any Local Authority wherein the Cattle Plague exists, affixes at the Entrance to any Building or Land in or on which the Beast is kept, a Notice forbidding Persons to enter into or on that Building or Land without his Permission, if any Person not having a Right of Entry or Way into, on, or over that Building or Land enters into, on, or over the same, or any Part thereof, in contravention of the Notice, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

CLAUSE B. Publication of Abstract of Act.

25. As soon as practicable after the passing of this Act, one of Her Majesty's Principal Secretaries of State shall cause to be made an Abstract of the chief Provisions of this Act in plain Language, and shall require that the same be published, distributed, or circulated by and at the Expense of each Local Authority, in such Manner as each Local Authority thinks fit.

CLAUSE C. Provision as to Removal of Beasts brought by Sea.

26. Any live Beast brought by Sea from one Part to another Part of any District, which the Lords of Her Majesty's Privy Council shall, by Order, declare to be free from Cattle Plague, may, if sound, notwithstanding anything in this Act or "The Cattle Diseases Prevention Act, 1866," be moved within the Limits of such District; but this Enactment shall not apply to the Case of Animals brought by Sea from beyond such District into such District within Thirty Days of such first-mentioned Movement.

CLAUSE D. As to Right to turn out Beasts on Commons.

27. Where any Person has the Right of turning out Beasts on any Common, or other undivided or unenclosed Land, such Beasts, if sound, may, notwithstanding anything in this Act, for the Purpose of being taken to or from such Common, undivided or

unenclosed Land, be moved, with a Licence, on any public Highway for any Distance not exceeding Two Miles, until such Licence be revoked.

CLAUSE E. Diseased Beasts not to be turned out on Commons.

28. No Person shall at any Time turn out or allow to continue turned out on any Common or other undivided or unenclosed Land any diseased Beast.

CLAUSE F. Defining Counties to which certain Parishes belong.

29. That where any Parish is situated in more than One County, Division, or Liberty, it shall, for the Purpose of this Act, be taken to belong to the County, Division, or Liberty in which the Church of the said Parish is situated.

CLAUSE G. Appointment of general Cattle Inspectors.

30. It shall be lawful for Her Majesty from Time to Time to appoint during Her Majesty's Pleasure such Number of fit Persons as seem requisite to be general Cattle Inspectors for Great Britain, who shall visit the several Counties and Boroughs and Burghs in Great Britain, and inquire into the Manner in which the Provisions of this Act and any other Provisions for the Time being in force relative to the Cattle Plague are carried into effect in every County, Borough, or Burgh; the Inspector so appointed shall report to the Lords of Her Majesty's Privy Council, and they shall receive such Remuneration for their Services and such Allowances as the Commissioners of Her Majesty's Treasury from Time to Time direct, and the same shall be paid out of Money to be provided by Parliament for that Purpose.

CLAUSE H. Inspection of Cattle Sheds.

31. The Magistrates of Boroughs shall have Power to require all Cowhouses and Cattle Sheds within Boroughs to be inspected by an Officer appointed by them, and, if found to be suitable for such Purpose, to be licensed by them; and the Magistrates shall likewise have Power to make Rules and Regulations for the proper sanitary Condition of the same, and to fix and determine in each Licence the Number of Cattle which may be kept in each such Cowhouse or Cattle Shed; and if any Person shall keep any Cattle within any Borough without such Inspection and Licence, or shall violate any of the Conditions of such Licence, or any of the Rules and Regulations made by the Magistrates, he shall, on Conviction before any Two of them, be subjected to a Penalty not exceeding Five Pounds for each such Offence.

CLAUSE I. Proclamation of infected District.

32. It shall be lawful (so long as this Act is in operation) for any Local Authority to proclaim any Place or Places within their Jurisdiction "infected," and, from Twenty-four Hours after the Date of the Publication of such Proclamation in any Newspaper circulated

circulated within their Jurisdiction, to prohibit the Removal of any Beast into or out of such "infected District," within their Jurisdiction as they may determine, and to suspend or limit, as they may think fit, all Movement of Beasts by Licence within such "infected District," except from Place to Place within a Farm without passing over any Highway.

CLAUSE J. Relaxation of Prohibition by Local Authority to be approved by Secretary of State after Lady Day.

33. From the Twenty-fifth Day of March, so long as this Act shall be in operation, it shall be lawful for any Local Authority, or any Two or more Local Authorities, to frame Rules under which Store Cattle may be moved by Licence from one Farm (or Common) to another Farm (or Common) within the Jurisdiction of such Local Authorities: Provided that such Rules shall be approved by One of Her Majesty's Secretaries of State.

The SCHEDULE.

Certificate of Cattle Overseer.

CATTLE PLAGUE ACT, 1866.

I *A.B.* of being Overseer [*or as the Case may be*] of the Parish of in the County of hereby certify, to the best of my Judgment and Belief, That the Beast described in the Schedule to this Certificate is sound within the Meaning of the above-mentioned Act, and that the Purpose of the intended Movement for which this Certificate is given is truly stated in the same Schedule.

Dated the Day of 186 .

(Signed) *A.B.*

Schedule.

Description of Beast.	Name and Address of Person having the Beast in his Possession or Keeping.	Purpose of intended Movement.

Declaration of Cattle Owner

[*to be indorsed on Certificate of Cattle Overseer*].

CATTLE PLAGUE ACT, 1866.

I *C.D.* of hereby declare, That I am the Person described in the Schedule to the within-written Certificate, and that the Beast therein described is in my Possession or Keeping as Owner thereof [*or as the Case may be*], and that I am desirous of moving it for the Purpose therein stated, and for no other Purpose, and that, to the best of my Judgment and Belief, the Beast is sound within the Meaning of the above-mentioned Act.

Dated this Day of 186 .

(Signed) *C.D.*

Before me, *E.F.*,

[*Signature of Justice.*]

Form

Form of Licence.

CATTLE PLAGUE ACT, 1866.

I *E.F.* of in the County of a Justice of the Peace for the said County, on reading the Certificate of *A.B.* of now produced, and on receiving the Declaration of *C.D.* of now made and signed before me, respectively appearing to me to relate to the Beast described in the Schedule to this Licence, do, by virtue of the above-mentioned Act, hereby grant to the said *C.D.* this Licence to move the said Beast for the Purpose by the Route and under the Charge of the Person in the said Schedule described, and subject and according to the Conditions and Provisions of the said Act.

Dated this Day of 186 .

(Signed) *E.F.*

Schedule.

Description of Beast.	Name and Address of Person having the Beast in his Possession or Keeping.	Purpose of intended Movement.	Route to be taken.	Name and Address of Driver or other Person having charge of the Beast.

Note.—This Licence is available only for Four Days, including the Day of its Date.

This Licence is available only from the Beginning of One Hour before Sunrise to the End of One Hour after Sunset.

Cattle Plague.

A

BILL

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

To check the Spread of the Cattle Plague in Great Britain.

(*Prepared and brought in by Mr. Hunt, Mr. Holland, Mr. Banks Stanhope, and Sir James Fergusson.*)

Ordered, by The House of Commons, *to be Printed*, 20 *February* 1866.

[Bill 24.]

Under 2 *oz.*

Cattle Plague Bill.

[AS AMENDED IN COMMITTEE, ON RE-COMMITMENT, AND ON SECOND RE-COMMITMENT.]

ARRANGEMENT OF CLAUSES.

Clause.

Preamble.

Preliminary.

1. Short Title.
2. Extent of Act.
3. Interpretation.
4. What Beasts to be deemed sound, and what diseased.

Prohibition of Movement of Cattle, with Exceptions.

5. General Prohibition of Movement of Cattle.

Exceptions.

6. Exception for Movement where separate Lands in same Occupation.
7. Exception for Beasts going to Slaughter-house under Act.
8. Exception for Beasts for Slaughter in Scotland.
9. Exception for Milch Cows for Ships.
10. Exception for Breeding.
11. Exception for Calves.
12. Exception for Beasts imported.
13. Licence, how to be obtained.

General Provisions relating to Cattle.

14. Penalty on Cattle Owner moving contrary to Act.
15. Presumption against Person moving.
16. Power for Constables to stop Beasts on Highway, &c.
17. Power for Justices to order Beasts to be killed, &c.

Restriction on Movement of Hides and Skins.

18. Movement on Railways, Canals, &c.—Clause A.
19. Movement on Highways.—Clause B.
20. Exception for imported Hides.—Clause C.

21. Sheepskins

Clause.
21. Sheepskins not to be moved with Hides.—Clause D.
22. Sheepskins not to be moved from infected Buildings.—Clause E.
23. Penalty for Offences as to Hides, &c.—Clause F.
24. Restrictions as to Offal, Dung, &c.—Clause G.
25. Penalty on Owner.—Clause H.
26. Penalty on Driver, Company, &c.—Clause I.

Miscellaneous.

27. Disinfection and Disposal of Carcasses and Skins.—Clause L.
28. Disinfection of Cattle Pens and Trucks of Railway Companies.—Clause N.
29. Restriction on Dogs.
30. Prohibiting the Exhumation of buried Animals.—Clause M.
31. Hours for Use of Licences as to Highways.
32. Licences in Metropolis.
33. Penalty for Refusal to produce Licence.
34. Penalty for false Declaration.
35. Application of Penalties.
36. Appeal.
37. Instruments to be in Writing, &c.
38. Forms in Schedule.
39. Power for Cattle Owner to prevent Trespass on his Land.
40. Provision as to Removal of Beasts brought by Sea.
41. Diseased Beasts not to be turned out on Commons.
42. Defining Counties to which certain Parishes belong.
43. Detached Parts of Counties how dealt with, and Limits of Burghs.
44. Powers of General Inspector.
45. Inspection of Cattle Sheds.
46. Judicial Power of Sheriff and Authority of Magistrates.—Clause T.
47. Powers of Local Authorities.—Clause U.
48. Meetings of Commissioners of Supply to be held validly convened.—Clause V.
49. Procedure, &c.—Clause W.
50. Issue and Renewal of Orders and Regulations of Council.—Clause X.
51. Publication of Order to be made at Expense of Local Authority.—Clause Y.
52. Duration of Act.—Clause Z.

Schedule.

A

B I L L

[AS AMENDED IN COMMITTEE, ON RE-COMMITMENT, AND ON SECOND RE-COMMITMENT]

TO

Check the Spread of the Cattle Plague in Great Britain.

WHEREAS a contagious or infectious Disease now prevails among the Cattle of Great Britain, which is generally and in this Act designated the Cattle Plague, and which may be recognized by the following Symptoms; namely,—great Depression of vital Powers, frequent Shivering, staggering Gait, cold Extremities, quick and short Breathing, drooping Head, reddened Eyes, with a Discharge from them, and also from the Nostrils, of a mucous Nature, raw-looking Places on the inner Side of the Lips and Roof of the Mouth, Diarrhœa or dysenteric Purging: **Preamble.**

And whereas it is expedient to make better Provision for checking the Spread of the Cattle Plague in Great Britain:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

1. This Act may be cited as The Cattle Plague Act, 1866. **Short Title.**

Extent of Act.

2. This Act shall extend to England and Scotland.

Interpretation.

3. In this Act—

The Term "Parish" includes a Township or an extra-parochial Place separately maintaining its own Poor:

The Term "Justice" means a Justice of the Peace for the County or Place where the Matter requiring the Cognizance of a Justice arises and not interested in the Matter:

The Term "Two Justices" means Two or more Justices assembled and acting together:

The Term "River" means a River or any Part of a River not navigable for Sea-going Vessels; and any Part of a River so navigable shall be deemed Sea:

The Term "Railway" includes Tramway:

The Term "Railway Company" includes any Company or Persons being Proprietors or Lessees of or working a Railway:

The Term "public Highway" does not include Footpath or Bridleway in enclosed Land, and does not include an unfenced Road passing through a Field, as far as regards a Beast in the Possession or Keeping of the Occupier of that Field and depasturing therein, but includes an Occupation Road used in common by the several Occupiers of distinct Farms or Holdings, but so that any such Road be not deemed a Highway with reference to any One of those Farms or Holdings where and as far as it lies within the Limits of that Farm or Holding; and in Scotland means any Turnpike, Statute Labour, Parish, or Drove Road.

The Term "Parish Officer" means as to England a Churchwarden, Overseer, or Guardian of the Poor, or Waywarden or Surveyor, and as to Scotland a Person appointed to be a Parish Officer for the Purposes of this Act by the Local Authority:

In this Act the following Terms have the same Meaning as in "The Cattle Diseases Prevention Act, 1866," namely, "Person," "Animal," "Cattle Plague," "Municipal Borough," "Borough," "County," "District," and "Local Authority;" the Term "Beast" has the same Meaning as the Term "Cattle" has in that Act; and the Term "Inspector" means an Inspector acting in the Execution of that Act for the District within which a Matter requiring the Intervention of an Inspector arises.

What Beasts to be deemed sound, and what diseased.

4. For the Purposes of this Act, an Animal shall be deemed sound if and when it is not affected with the Cattle Plague, and has not, within Thirty Days, been in contact with any Animal so affected,

affected, and has not, within Thirty Days, been in or on any Building or Yard or Field where any Animal so affected had been kept, unless that Building or Yard or Field had been effectually cleansed and disinfected at least Thirty Days previously to the Beast being placed in or on the same.

Prohibition of Movement of Cattle, with Exceptions.

General Prohibition of Movement of Cattle.

5. From the First Day of March until the Twenty-fifth Day of March One thousand eight hundred and sixty-six, both inclusive, and thenceforth until the Operation of this Enactment is determined by an Order of the Lords of Her Majesty's Privy Council (which Order they are hereby empowered to make at any Time after the last-mentioned Day, if and when they think fit), it shall not be lawful for any Person (except as in this Act expressly authorized) to move or cause to be moved any live Beast on any public Highway, or on any Canal, Navigation, or River: Provided, nevertheless, that nothing in this Act contained shall prevent the Removal of live Beasts within any District which the Lords of Her Majesty's Privy Council shall, by Order in Council, declare to be free from Cattle Plague, such District having well-defined Boundaries; provided also, that such Order may from Time to Time be varied or revoked; provided that it shall be lawful for the Local Authority having Jurisdiction within the District so exempted as aforesaid, by Order to be published in some Newspaper circulating within its Jurisdiction, to prohibit altogether or to impose Restrictions or Conditions on the Introduction of Beasts into its District, and also on the Removal of Beasts from Place to Place within its District.

Exceptions.

Exception for Movement where separate Lands in same Occupation.

6. Where separate Buildings, Yards, or Lands are in the Occupation of the same Person, any live Beasts, if sound, may, notwithstanding anything in this Act, for the Purpose of being taken from one of those Buildings, Yards, or Lands to another, be at any Time moved on any public Highway for any Distance not exceeding Two hundred Yards, and with a Licence for any longer Distance, and until such Licence shall be revoked, provided that such Distance shall not exceed Two Miles.

Exception for Beasts going to Slaughter-house under Act.

7. Any live Beast, if sound, may, notwithstanding anything in this Act, be at any Time moved, with a Licence, on any public Highway for any Distance not exceeding Six Miles, for the Purpose of immediate Slaughter at a Slaughter-house.

Exception for Beasts for Slaughter in Scotland.

8. Any live Beast may, in Scotland, notwithstanding anything in this Act, be moved, with a Licence, under such Conditions as the Local Authority may prescribe, on any public Highway, for the Purpose of immediate Slaughter.

Exception for Milch Cows for Ships.

9. Any Milch Cow, if sound, may, notwithstanding anything in this Act, be at any Time moved, with a Licence, on any public Highway for any Distance, in a covered Van, for the Purpose of being placed on board a Vessel Outward Bound.

Exception for Breeding.

10. In order to allow for the Breeding of Stock, a Cow or Heifer, if sound, may, notwithstanding anything in this Act, be moved with a Breeding Licence on any public Highway for any Distance not exceeding Six Miles to and from any Place where a Bull is kept.

A Bull, if sound, may, notwithstanding anything in this Act, be moved with a Breeding Licence on any public Highway, for any Distance not exceeding Twenty Miles, to any Place where any Cow or Heifer in the Possession or Keeping of the Owner or Hirer of the Bull is kept.

Exception for Calves.

11. Any Calf, if sound, not being more than Twenty-one Days old, may, notwithstanding anything in this Act, be moved, with a Licence, on any public Highway in a Cart or other Vehicle for any Distance not exceeding Twenty Miles.

Exception for Beasts imported.

12. Any live Beast landed from a Vessel at any Port, if sound, may, notwithstanding anything in this Act, be moved on a public Highway within the Limits of the Metropolis, or any Borough, as defined by "The Cattle Diseases Prevention Act, 1866," subject to the Provisions of Clause 17 of that Act; and Beasts landed at the Port of Leith may be moved by the direct Route thence to the public Slaughter-house in Edinburgh, and at the Port of Bristol to any licensed Slaughter-house, or to any Lair or Yard adjacent to such a Slaughter-house, within the Jurisdiction of the Mayor and Corporation of Bristol: Provided also, that nothing herein contained shall interfere with the moving of sound Beasts from the Docks of Liverpool to the Stanley Market, and to the Lairs on the Road to the same, and back from the Market to the Borough, for immediate Slaughter, all such Beasts being moved with a Licence from the Local Authority.

Licence, how to be obtained.

13. Where under this Act a Licence for the moving of a live Beast is requisite, the same shall be obtained as follows, namely,—the Person desiring to move the Beast shall obtain from such Person

or

or Persons as shall be appointed by the Local Authority a Certificate of the Soundness of the Beast and of the Purpose of the intended Movement, and shall produce the same to a Justice, and shall make and sign before the Justice a Declaration to the same Effect, and thereupon the Justice, unless he sees good Cause to the contrary, shall grant a Licence for the Movement of the Beast accordingly.

In case of a Breeding Licence for the moving of a Cow or Heifer the Certificate and Declaration shall extend also to the Fact of the Bull being sound, and in case of a Breeding Licence for the moving of a Bull the Certificate and Declaration shall extend also to the Fact of the Cows and Heifers kept at the Place to which the Bull is to be moved being sound.

General Provisions relating to Cattle.

Penalty on Cattle Owner moving contrary to Act.

14. If the Person having in his Possession or Keeping any live Beast moves the Beast, or causes it to be moved, in any respect in contravention of this Act, he shall for every such Offence, in respect of every Beast so moved, be liable on Summary Conviction before Two Justices to a Penalty not exceeding Twenty Pounds; and where any such Act is committed with respect to more than Four Animals, a Penalty not exceeding Five Pounds for each Animal may be imposed instead of the Penalty of Twenty Pounds.

Presumption against Person moving.

15. Where any Person is charged before a Justice of the Peace with having moved a live Beast on a public Highway, it shall be presumed that it has been so moved in contravention of this Act until the contrary is shown.

Power for Constables to stop Beasts on Highway, &c.

16. Any Constable or other Peace Officer may stop and detain any live Beast being moved in his View along any public Highway which he has good Cause to suspect is being so moved in contravention of this Act, and may without Warrant apprehend the Driver or Person in charge of the Beast, unless such Driver or Person shall produce a Licence authorizing him to move such Beast, and such Driver or Person shall be taken as soon as may be before a Justice to be examined and dealt with according to Law; but any Beast or Person detained or apprehended under this Enactment shall not be detained by any Constable or other Peace Officer of his own Authority longer than is necessary for obtaining the Order of a Justice in the Matter, or longer than Forty-eight Hours at the utmost; and the Constable or other Peace Officer so detaining any Beast shall cause it to be supplied with requisite Food and Water during its Detention.

 17. Where

Power for Justices to order Beast to be killed, &c.

17. Where any live Beast is detained under this Act, Two Justices may, if it appears to them that the Beast was when stopped being moved in contravention of this Act, order it to be slaughtered, and its Carcase to be sold, buried, or otherwise disposed of as they think fit.

The Proceeds of any such Sale shall be paid under the Order of Two Justices to the Treasurer of the County or Borough, and shall be placed in a County to the Credit of the County Rate, and in a Borough to the Credit of the Borough Fund.

Restriction on Movement of Hides and Skins.

Clause A. Movement on Railways, Canals, &c.

18. No raw or untanned Hides of Beasts, and no Horns or Hoofs of Beasts, shall be moved on any Railway, Canal Navigation, or River, unless they are effectually covered.

Clause B. Movement on Highways.

19. No raw or untanned Hides of Beasts, and no Horns or Hoofs of Beasts, shall be moved on any Highway, except subject and according to the following Provisions:

(1.) Any such Hides, Horns, or Hoofs may be moved as freely as if this Act had not been passed on any Street or Road passing through a Town, or through Lands continuously built upon on both Sides, except at any Point where such Street or Road passes by any Building other than a Slaughter-house, or any Yard or Land where Beasts are kept:

(2.) Any such Hides, Horns, or Hoofs may be moved on any Highway in a Vehicle effectually covered, or if they have been limed for any manufacturing Purpose:

(3.) Any such Hide, Horns, or Hoofs of any Beast may be moved on any public Highway with a Licence to be obtained as follows; namely, the Person desiring to move the same, or his Agent in that Behalf authorized, shall obtain from the Inspector of the District in which the Beast was kept a Certificate either that the Beast had not been itself affected with the Cattle Plague, and that its Hide or Horns, and Hoofs (as the Case may be) had been effectually disinfected, or else that the Beast was sound, and shall produce that Certificate to a Justice, and shall make and sign before the Justice a Declaration to the same Effect, and thereupon the Justice, unless he sees good Cause to the contrary, shall grant a Licence for the moving of the Hide, Horns, or Hoofs (as the Case may be) accordingly.

Clause C. Exception for imported Hides.

20. Nothing in the foregoing Provisions shall affect the Right of moving in any Manner whatever raw or untanned Hides or Horns

Horns or Hoofs directly imported into the United Kingdom from India, Australia, South Africa, or America, and any such Hides, Horns, or Hoofs may be moved, with a Certificate of Origin, as freely as if this Act had not been passed.

CLAUSE D. Sheepskins not to be moved with Hides.

21. No Sheepskin (except after being limed for a manufacturing Purpose) shall be moved in the same Vehicle with or in contact with any raw or untanned Hides, or any Horns or Hoofs of Beasts (whether imported as aforesaid or not).

CLAUSE E. Sheepskins not to be moved from infected Buildings.

22. No Sheepskin shall be moved from any Building or Yard where any Beast affected with the Cattle Plague has been kept, unless that Building or Yard was effectually cleansed and disinfected Thirty Days at least before the Skin, or the Sheep from which it was taken, was placed therein.

CLAUSE F. Penalty for Offences as to Hides, &c.

23. If any Person knowingly does or causes to be done anything in contravention of any of the Provisions of this Act relating to Hides, Horns, Hoofs, and Sheepskins, he shall for every such Offence be liable, on summary Conviction, to a Penalty not exceeding Twenty Pounds.

CLAUSE G. Restrictions as to Offal, Dung, &c.

24. No Offal or Dung of Beasts, and no Hay, Straw, Fodder, or Litter, shall be moved on any Railway, Canal, Navigation, River, or Highway from any Building or Yard where any Beast affected with the Cattle Plague has been kept, unless and until the Offal, Dung, Hay, Straw, Fodder, or Litter has been effectually disinfected under the Superintendence of the Inspector, and he has so certified.

CLAUSE H. Penalty on Owner.

25. If any Owner of such Offal or other Thing acts in contravention of this Act, he shall for every such Offence be liable, on summary Conviction, to a Penalty not exceeding Twenty Pounds, and to a further Penalty not exceeding Ten Pounds for every Half Ton in Weight of such Offal or other Thing after the First Half Ton.

CLAUSE I. Penalty on Driver, Company, &c.

26. If any Person other than the Owner as aforesaid knowingly and wilfully acts in contravention of this Act with regard to any such Offal or other Thing, he shall for every such Offence be liable, on summary Conviction, to a Penalty not exceeding Twenty Pounds.

Miscellaneous.

CLAUSE L. Disinfection and Disposal of Carcases and Skins.

27. Where by any Act of Parliament it is enacted that the Carcase or Skin of any Animal that has died or has been slaughtered in

in consequence of being affected with Cattle Plague or other infectious or contagious Disorder shall be buried, it shall be lawful for the Local Authority, or the Officer or Person responsible under such Act for the due Compliance with such Enactment, to cause such Carcases or Skins to be disinfected and disposed of with the Approval of the Lords of the Privy Council as to such Disinfection and Disposal, and such Disinfection and Disposal of such Carcases and Skins shall be deemed for all Purposes a sufficient Compliance with such Enactment.

CLAUSE N. Disinfection of Cattle Pens and Trucks of Railway Companies.

28. Every Railway Company that carries Animals for Hire within any Part of Great Britain shall, before the Twenty-fifth Day of March next, thoroughly cleanse and disinfect all Cattle Pens or Trucks belonging to such Company, and used for holding or carrying Animals, in the Manner which shall be directed by an Order made by the Board of Trade, which Order they are hereby empowered from Time to Time to make, vary, or revoke, or, in case of no such Order being made or being in force, by a Washing of Lime Water or some other efficient Means; and every such Pen or Truck shall, on or before the said Twenty-fifth Day of March, be inspected by an Officer duly appointed in that Behalf in Writing under the Hand of the President or Vice President of the said Board of Trade, or by an Inspector duly authorized in that Behalf by the Local Authority having Jurisdiction in the Place where such Pen or Truck is; and such Officer or Inspector shall, if satisfied that such Pen or Truck has been properly cleansed and disinfected, certify to that Effect in Writing under his Hand; and, until such Certificate has been given, no Animal shall be placed in any such Pen or Truck; and when such Certificate has been given in respect of any Pen or Truck, such Company, on every Occasion after when any Animals have been taken out of any such Pen or Truck, and before any other Animals are placed therein, shall thoroughly cleanse and disinfect as aforesaid every such Pen or Truck; and if any Pen or Truck shall at any Time be used in contravention of this Act, the Company to which such Pen or Truck belongs, or by or on whose Behalf it is so used, shall be liable to a Penalty not exceeding Five Pounds for every Time which such Pen or Truck is so used.

Restriction on Dogs.

29. Each Local Authority may from Time to Time order that Dogs be not allowed to go at large, not under the Control of their Owner, or his or her Servant or Servants, in the District of the Local Authority, either absolutely or except in conformity with Conditions prescribed by the Order, and may by any such Order authorize any Constable or Peace Officer or other Person to destroy any

any Dog going at large in contravention of the Order, and may from Time to Time vary, suspend, or revoke any such Order; and every such Order, while in force, shall be sufficient Warrant for any Person acting in pursuance thereof.

CLAUSE M. Prohibiting Exhumation of buried Animals.

30. It shall not be lawful for the Owner or any other Person to dig up or exhume any Beast, or any Part or Portion of any Beast, that has been killed and buried by Order of the Inspector or any other competent Local Authority; any such Proceeding shall constitute an Offence punishable by the same Pains and Penalties as are imposed by this Act upon the Contravention or Disobedience to any of the lawful Orders of the Inspector or any other competent Authority.

Hours for Use of Licences as to Highways.

31. Any Licence under this Act for the moving of any live Beast, Animal, or Thing shall, with respect to the moving thereof on any public Highway, be available only from the Beginning of One Hour before Sunrise to the End of One Hour after Sunset.

Any such Licence shall be available only for Four Days, including the Day of the granting thereof.

Every such Licence shall specify the Route to be taken and the Name of the Driver or other Person who is to have charge of the Beast, Animal, or Thing to which the Licence relates.

Licences in Metropolis.

32. In the Metropolis (that is to say, all Parishes and Places in which the Metropolitan Board of Works have Power to levy a Main Drainage Rate, with the Exception of the City of London and the Liberties thereof,) any Licence under this Act shall be granted by the Commissioner of Police of the Metropolis instead of a Justice, and this Act shall be construed accordingly.

Penalty for Refusal to produce Licence.

33. If any Person, having charge of any Beast, Animal, or Thing being moved on a Highway, Railway, Canal, Navigation, or River, for the moving whereof a Licence is requisite under this Act, on being required by any Person to produce the Licence (if any) for the moving of that Beast, Animal, or Thing, fails so to do, he shall for every such Offence be liable, on Summary Conviction before a Justice, to a Penalty not exceeding Ten Pounds.

Penalty for false Declaration.

34. If any Person knowingly and wilfully makes any false Statement in any Declaration under this Act, he shall for every such Offence be liable, on Summary Conviction before Two Justices, to a Penalty not exceeding Fifty Pounds, or, in the Discretion of the Justices, to be imprisoned for any Term not exceeding Two Months, with or without Hard Labour.

Application of Penalties.

35. Any Penalty recovered under this Act in a County shall be applied as follows; namely, one Half thereof shall be paid to the Informer, and the other Half thereof shall be paid to the Treasurer of the County, and shall be by him placed to the Credit of the County Rate.

Appeal.

36. If any Party feels aggrieved by the Dismissal of his Complaint by any Justice or Justices, or by any Determination or Adjudication of the Justices, with respect to any Penalty or Punishment under this Act, the Party so dissatisfied may appeal therefrom, subject to the Conditions and Regulations following:

1. The Appeal shall be made to some Court of General or Quarter Sessions for the County or Place in which the Cause of Appeal has arisen, holden not less than Fifteen Days and not more than Four Months after the Decision from which the Appeal is made:
2. The Appellant shall, within Three Days after the Cause of Appeal has arisen, give Notice to the Clerk of the Petty Sessional Division which the Decision appealed from was made of his Intention to appeal, and of the Grounds thereof, and in Scotland to the Clerk of the Peace for the County:
3. The Appellant shall immediately after such Notice enter into a Recognizance, before a Justice of the Peace, with Two sufficient Sureties, conditioned personally to try such Appeal, and to abide the Judgment of the Court thereon, and to pay such Costs as may be awarded by the Court:
4. The Court may adjourn the appeal, and may make such Order thereon as they think just:

But nothing in the present Section respecting Appeals shall affect any Enactments relative to Appeals in Cases of Summary Convictions or Adjudications in the City of London or the Metropolitan Police District.

Instruments to be in Writing, &c.

37. Any Certificate, Declaration, Licence, or other Instrument required under this Act may be in Writing or Print, or partly in Writing and partly in Print.

Forms in Schedule.

38. The Forms given in the Schedule to this Act, with such Variations or Additions as Circumstances require, shall be used for the respective Purposes in the Schedule indicated, and according to the Directions therein contained.

Power for Cattle Owner to prevent Trespass on his Land.

39. Where any Person, having any Beast in his Possession or Keeping within the District of any Local Authority wherein the Cattle Plague exists, affixes at the Entrance to any Building or Land

Land in or on which the Beast is kept, a Notice forbidding Persons to enter into or on that Building or Land without his Permission, if any Person not having a Right of Entry or Way into, on, or over that Building or Land enters into, on, or over the same, or any Part thereof, in contravention of the Notice, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Provision as to Removal of Beasts brought by Sea.

40. Any live Beast brought by Sea from one Part to another Part of any District, which the Lords of Her Majesty's Privy Council shall, by Order, declare under this Act to be free from Cattle Plague, may, if sound, notwithstanding anything in this Act or "The Cattle Diseases Prevention Act, 1866," be moved within the Limits of such District; but this Enactment shall not apply to the Case of Animals brought by Sea from beyond such District into such District within Thirty Days of such first-mentioned Movement.

Diseased Beasts not to be turned out on Commons.

41. No Person shall at any Time turn out or allow to continue turned out on any Common or other undivided or unenclosed Land any diseased Beast. Any Person wilfully driving or allowing any Beast under his Charge to be driven or to stray into any Field sufficiently fenced, without Consent of the Owner or Occupier thereof, shall be deemed to have moved such Beast in contravention of this Act.

Defining Counties to which certain Parishes belong.

42. That where any Parish is situated in more than One County, Division, or Liberty, it shall, for the Purpose of this Act, be taken to belong to the County, Division, or Liberty in which the Church of the said Parish is situated.

Detached Parts of Counties how dealt with, and Limits of Burghs.

43. For the Purposes of this Act and of the Cattle Diseases Prevention Act, 1866, all detached Parts of Counties shall be considered as forming Part of that County by which they are surrounded, or if partly surrounded by Two or more Counties, then as forming Part of that County with which they have the longest common Boundary; and all Provisions with respect to Burghs shall only extend to the Municipal Limits of the same.

Powers of General Inspector.

44. Any Person appointed by the Lords of Her Majesty's Privy Council to be a Cattle Inspector for the Purposes of this Act and the Cattle Diseases Prevention Act, 1866, shall have, throughout Great Britain, all the Powers given by the Cattle Diseases Prevention Act, 1866, to an Inspector appointed by a Local Authority within its District.

 45. The

Inspection of Cattle Sheds.

45. The Magistrates of Boroughs in Scotland shall have Power to require all Cowhouses and Cattle Sheds within Boroughs to be inspected by an Officer appointed by them, and, if found to be suitable for such Purpose, to be licensed by them; and the Magistrates shall likewise have Power to make Rules and Regulations for the proper sanitary Condition of the same, and to fix and determine in each Licence the Number of Cattle which may be kept in each such Cowhouse or Cattle Shed; and if any Person shall keep any Cattle within any Borough without such Inspection and Licence, or shall violate any of the Conditions of such Licence, or any of the Rules and Regulations made by the Magistrates, he shall, on Conviction before any Two of them, be subjected to a Penalty not exceeding Five Pounds for each such Offence.

In the Case of Burghs and populous Places in Scotland which have adopted the whole or Portions of "The Police and Improvement, Scotland, Act, 1862," the Commissioners under the said Act shall have Power to require all Cowhouses and Cattle Sheds within such Burghs or populous Places to be inspected by an Officer appointed by them, and, if found to be suitable for such Purpose, to be licensed by them; and the Commissioners shall likewise have Power to make Rules and Regulations for the proper sanitary Condition of the same, and to fix and determine in each Licence the Number of Cattle which may be kept in each such Cowhouse or Cattle Shed; and if any Person shall keep any Cattle within any Burgh or populous Place without such Inspection and Licence, or shall violate any of the Conditions of such Licence, or any of the Rules and Regulations made by the Commissioners, he shall, on Conviction before the Sheriff or any Two Justices, be subjected to a Penalty not exceeding Five Pounds for each such Offence.

Clause T. Judicial Power of Sheriff and Authority of Magistrates.

46. In Scotland all the Judicial Powers given to Justices and Quarter Sessions by this Act may also be exercised by the Sheriff of the County or Sheriff Substitute; and within Burghs in Scotland the Magistrates of the Burgh shall have the same Authority and Functions in carrying out and executing the Purposes of this Act as are conferred on the Justices of the Peace.

Clause U. Powers of Local Authorities.

47. All Orders made by the Lords of Her Majesty's Privy Council in pursuance of the Act of the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter One hundred and seven, in force at the Date of the passing of this Act, and all Orders made and Notices published by Local Authorities under the Powers conferred on them by such Orders of the Lords of Her Majesty's Privy Council which shall be in force at the Date of the passing of this Act, shall be and remain in force in the several Places

Places in Scotland to which they apply, until a Local Authority shall have been duly constituted under the Provisions of "The Cattle Diseases Prevention Act, 1866," and such Local Authorities, when constituted, shall possess all the restrictive Powers which were by the said Orders of the Lords of Her Majesty's Privy Council conferred upon Local Authorities.

CLAUSE V. Meetings of Commissioners of Supply to be held validly convened.

48. No Act or Proceeding of any Meeting of Commissioners of Supply, called for the Purpose of electing Members of the Local Authority under the Fifth Section of "The Cattle Diseases Prevention Act, 1866," shall be questioned on account of insufficient Notice, or any other Defect in the Manner in which such Meeting was called.

CLAUSE W. Procedure, &c.

49. Sections Twenty-nine to Thirty-one, both inclusive, of "The Cattle Diseases Act, 1866," are hereby incorporated with this Act, and this Act shall have Effect as if those Sections were here repeated and expressly made applicable to this Act; and the Term "Penalty" in the said Section Thirty-one shall, for the Purposes of this Act, be taken to include Punishment by Imprisonment.

CLAUSE X. Issue and Renewal of Orders and Regulations of Council.

50. Notwithstanding the passing of this Act, it shall be lawful for the Lords of Her Majesty's Privy Council to issue, and to renew from Time to Time, all or any such Orders and Regulations as by the Act Eleventh and Twelfth Victoria, Chapter One hundred and seven, and subsequent Acts relating thereto, they are now empowered to issue, which may not be inconsistent with the Provisions of this Act.

CLAUSE Y. Publication of Order to be made at Expense of Local Authority.

51. Wherever any Order of Her Majesty in Council or of the Lords of Her Majesty's Most Honourable Privy Council is required to be published in One or more Newspapers circulating in any District, such Publication shall be made under the Direction and at the Cost of the Local Authority.

CLAUSE Z. Duration of Act.

52. Except as is in this Act otherwise expressly provided, this Act shall have the same Duration as "The Cattle Diseases Prevention Act, 1866," unless this Act as to all or any of its Provisions in respect of the whole or any Part of Great Britain shall be determined by an Order of the Lords of Her Majesty's Privy Council; and in case of the Determination of any such Provision, the Lords of Her Majesty's Privy Council shall have Power, by Order, to renew the same for the whole or any Part of Great Britain.

The SCHEDULE.

Certificate of Cattle Overseer.

CATTLE PLAGUE ACT, 1866.

I *A.B.* of being Overseer [*or as the Case may be*] of the Parish of in the County of hereby certify, to the best of my Judgment and Belief, That the Beast described in the Schedule to this Certificate is sound within the Meaning of the above-mentioned Act, and that the Purpose of the intended Movement for which this Certificate is given is truly stated in the same Schedule.

Dated the Day of 186 .

(Signed) *A.B.*

Schedule.

Description of Beast.	Name and Address of Person having the Beast in his Possession or Keeping.	Purpose of intended Movement.

Declaration of Cattle Owner

[*to be indorsed on Certificate of Cattle Overseer*].

CATTLE PLAGUE ACT, 1866.

I *C.D.* of hereby declare, That I am the Person described in the Schedule to the within-written Certificate, and that the Beast therein described is in my Possession or Keeping as Owner thereof [*or as the Case may be*], and that I am desirous of moving it for the Purpose therein stated, and for no other Purpose, and that, to the best of my Judgment and Belief, the Beast is sound within the Meaning of the above-mentioned Act.

Dated this Day of 186 .

(Signed) *C.D.*

Before me, *E.F.*,

[*Signature of Justice.*]

Form

Form of Licence.

CATTLE PLAGUE ACT, 1866.

I *E.F.* of in the County of a Justice of the Peace for the said County, on reading the Certificate of *A.B.* of now produced, and on receiving the Declaration of *C.D.* of now made and signed before me, respectively appearing to me to relate to the Beast described in the Schedule to this Licence, do, by virtue of the above-mentioned Act, hereby grant to the said *C.D.* this Licence to move the said Beast for the Purpose by the Route and under the Charge of the Person in the said Schedule described, and subject and according to the Conditions and Provisions of the said Act.

Dated this Day of 186 .

(Signed) *E.F.*

Schedule.

Description of Beast.	Name and Address of Person having the Beast in his Possession or Keeping.	Purpose of intended Movement.	Route to be taken.	Name and Address of Driver or other Person having charge of the Beast.

Note.—This Licence is available only for Four Days, including the Day of its Date.

This Licence is available only from the Beginning of One Hour before Sunrise to the End of One Hour after Sunset.

Schedule.

Certificate of Origin.

We hereby certify that to be removed by you from for Delivery to are directly imported into the United Kingdom from and are therefore exempt from the Restrictions respecting the Transit of Hides, Skins, &c., contained in "The Cattle Plague Act, 1866."

To

[*To be signed by the Owner or his Agent.*]

Cattle Plague.

A

BILL

[AS AMENDED IN COMMITTEE, ON RE-COMMITMENT, AND ON SECOND RE-COMMITMENT]

To check the Spread of the Cattle Plague in Great Britain.

(*Prepared and brought in by Mr. Hunt, Mr. Holland, Mr. Banks Stanhope, and Sir James Fergusson.*)

Ordered, by The House of Commons, *to be Printed*, 22 *February* 1866.

[Bill 32.]

Under 3 *oz.*

Cattle Plague Bill.

[AS AMENDED IN COMMITTEE, ON RE-COMMITMENT, ON SECOND RE-COMMITMENT, AND ON CONSIDERATION OF BILL AS AMENDED.]

ARRANGEMENT OF CLAUSES.

Clause.

Preamble.

Preliminary.

1. Short Title.
2. Extent of Act.
3. Interpretation.
4. What Beasts to be deemed sound, and what diseased.

Prohibition of Movement of Cattle, with Exceptions.

5. General Prohibition of Movement of Cattle.

Exceptions.

6. Exception for Movement where separate Lands in same Occupation.
7. Exception for Beasts going to Slaughter-house under Act.
8. Exception for Beasts for Slaughter in Scotland.
9. Exception for Milch Cows for Ships.
10. Exception for Breeding.
11. Exception for Calves.
12. Exception for Beasts imported.
13. Licence, how to be obtained.

General Provisions relating to Cattle.

14. Penalty on moving contrary to Act.
15. Presumption against Person moving.
16. Power for Constables to stop Beasts on Highway, &c.
17. Power for Justices to order Beasts to be killed, &c.

Restriction on Movement of Hides and Skins.

18. Movement on Railways, Canals, &c.
19. Movement on Highways.
20. Exception for imported Hides.
21. Sheepskins

Clause.
21. Sheepskins not to be moved with Hides.
22. Sheepskins not to be moved from infected Buildings.
23. Penalty for Offences as to Hides, &c.
24. Restrictions as to Offal, Dung, &c.
25. Penalty on Owner.
26. Penalty on Driver, Company, &c.

Miscellaneous.

27. Disinfection and Disposal of Carcases and Skins.
28. Disinfection of Cattle Pens, Trucks, and Boats of Railway Companies.
29. Restriction on Dogs.
30. Prohibiting the Exhumation of buried Animals.
31. Hours for Use of Licences as to Highways.
32. Licences in Metropolis.
33. Penalty for Refusal to produce Licence.
34. Penalty for false Declaration.
35. Application of Penalties.
36. Instruments to be in Writing, &c.
37. Forms in Schedule.
38. Power for Cattle Owner to prevent Trespass on his Land.
39. Provision as to Removal of Beasts brought by Sea.
40. Diseased Beasts not to be turned out on Commons.
41. Detached Parts of Counties how dealt with, and Limits of Burghs.
42. Powers of General Inspector.
43. Inspection of Cattle Sheds in Boroughs.
44. Inspection of Cattle Sheds in populous Places.
45. Judicial Power of Sheriff and Authority of Magistrates.
46. Powers of Local Authorities.
47. Meetings of Commissioners of Supply to be held validly convened.
48. Procedure, &c.
49. Issue and Renewal of Orders and Regulations of Council.
50. Publication of Order to be made at Expense of Local Authority.
51. Evidence of Orders.
52. Officers of Customs may seize diseased Meat.
53. Expenses of Execution of Act.
54. Duration of Act.

SCHEDULE.

A

B I L L

[AS AMENDED IN COMMITTEE, ON RE-COMMITMENT, ON SECOND RE-COMMITMENT, AND ON CONSIDERATION OF BILL AS AMENDED]

TO

Check the Spread of the Cattle Plague in Great Britain.

WHEREAS a contagious or infectious Disease now prevails among the Cattle of Great Britain, which is generally and in this Act designated the Cattle Plague: Preamble.

And whereas it is expedient to make better Provision for checking the Spread of the Cattle Plague in Great Britain:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

1. This Act may be cited as The Cattle Plague Act, 1866. Short Title.

2. This Act shall extend to England and Scotland. Extent of Act.

3. In this Act— Interpretation.

The Term "Parish" includes a Township or an extra-parochial Place separately maintaining its own Poor:

The Term "Justice" means a Justice of the Peace for the County or Place where the Matter requiring the Cognizance of a Justice arises and not interested in the Matter:

The Term "Two Justices" means Two or more Justices assembled and acting together:

The Term "River" means a River or any Part of a River not navigable for Sea-going Vessels; and any Part of a River so navigable shall be deemed Sea:

The Term "Railway" includes Tramway:

The Term "Railway Company" includes any Company or Persons being Proprietors or Lessees of or working a Railway:

The Term "public Highway" does not include Footpath or Bridleway in enclosed Land, and does not include an unfenced Road passing through a Field, as far as regards a Beast in the Possession or Keeping of the Occupier of that Field and depasturing therein, but includes an Occupation Road used in common by the several Occupiers of distinct Farms or Holdings, but so that any such Road be not deemed a Highway with reference to any One of those Farms or Holdings where and as far as it lies within the Limits of that Farm or Holding; and in Scotland means any Turnpike, Statute Labour, Parish, or Drove Road:

The Term "Parish Officer" means as to England a Churchwarden, Overseer, or Guardian of the Poor, or Waywarden or Surveyor, and as to Scotland a Person appointed to be a Parish Officer for the Purposes of this Act by the Local Authority:

In this Act the following Terms have the same Meaning as in "The Cattle Diseases Prevention Act, 1866," namely, "Person," "Animal," "Cattle Plague," "Municipal Borough," "Borough," "a Burgh," "County," "District," and "Local Authority;" the Term "Beast" has the same Meaning as the Term "Cattle" has in that Act; and the Term "Inspector" means an Inspector acting in the Execution of that Act for the District within which a Matter requiring the Intervention of an Inspector arises.

What Beasts to be deemed sound, and what diseased.

4. For the Purposes of this Act, a Beast shall be deemed sound if and when it is not affected with the Cattle Plague, and has not, within Thirty Days, been in contact with any Animal so affected, and has not, within Thirty Days, been in or on any Building, Yard, Field, Boat, or Vessel where any Animal so affected had been kept, unless that Building, Yard, Field, Boat, or Vessel had been effectually cleansed and disinfected at least Thirty Days previously to the Beast being placed in or on the same, and any Beast not sound shall be deemed diseased.

Pro-

Prohibition of Movement of Cattle, with Exceptions.

General Prohibition of Movement of Cattle.

5. From the First Day of March until the Twenty-fourth Day of March One thousand eight hundred and sixty-six, both inclusive, it shall not be lawful for any Person (except as in this Act expressly authorized) to move or cause to be moved any live Beast on any public Highway, or on any Canal, Navigation, or River: Provided, nevertheless, that nothing in this Act contained shall prevent the Removal of live Beasts within any District which the Lords of Her Majesty's Privy Council shall, by Order in Council, declare to be free from Cattle Plague, such District having well-defined Boundaries; provided also, that such Order may from Time to Time be varied or revoked; provided that it shall be lawful for the Local Authority having Jurisdiction within the District so exempted as aforesaid, by Order to be published in such Manner as may seem fit to such Local Authority, to prohibit altogether or to impose Restrictions or Conditions on the Introduction of Beasts into its District, and also on the Removal of Beasts from Place to Place within its District; provided also, that it shall be lawful for any Local Authority to proclaim, by Notice in such Manner as it shall deem expedient, any Part of its District as an infected District, and from the Date of such Proclamation to suspend within such District the Effect of any Licence which may be granted under this Act, and not expired at the Time of such Proclamation.

Exceptions.

Exception for Movement where separate Lands in same Occupation.

6. Where separate Buildings, Yards, or Lands are in the Occupation of the same Person, any live Beasts, if sound, may, notwithstanding anything in this Act, for the Purpose of being taken from one of those Buildings, Yards, or Lands to another, be at any Time moved on any public Highway for any Distance not exceeding Two hundred Yards, and with a Licence for any longer Distance, and until such Licence shall be revoked, provided that such Distance shall not exceed Two Miles.

Exception for Beasts going to Slaughter-house under Act.

7. Any live Beast, if sound, may, in England, notwithstanding anything in this Act, be at any Time moved, with a Licence, on any public Highway for any Distance not exceeding Six Miles, for the Purpose of immediate Slaughter at a Slaughter-house.

Exception for Beasts for Slaughter in Scotland.

8. Any live Beast, if sound, may, in Scotland, notwithstanding anything in this Act, be moved, with a Licence, under such Conditions as the Local Authority may prescribe, on any public Highway, for the Purpose of immediate Slaughter at a Slaughter-house.

Exception for Milch Cows for Ships.

9. Any Milch Cow, if sound, may, notwithstanding anything in this Act, be at any Time moved, with a Licence, on any public Highway for any Distance, in a covered Van, for the Purpose of being placed on board a Vessel Outward Bound.

Exception for Breeding.

10. In order to allow for the Breeding of Stock, a Cow or Heifer, if sound, may, notwithstanding anything in this Act, be moved with a Breeding Licence on any public Highway for any Distance not exceeding Six Miles to and from any Place where a Bull is kept.

A Bull, if sound, may, notwithstanding anything in this Act, be moved with a Breeding Licence on any public Highway, for any Distance not exceeding Twenty Miles, to any Place where any Cow or Heifer in the Possession or Keeping of the Owner or Hirer of the Bull is kept.

Exception for Calves.

11. Any Calf, if sound, not being more than Twenty-one Days old, may, notwithstanding anything in this Act, be moved, with a Licence, on any public Highway in a Cart or other Vehicle, from the Place where it is dropped to any other Place not more than Ten Miles therefrom, on a Purchase of the same by the Occupier of the Place to which it is removed, for any Distance not exceeding Twenty Miles.

Exception for Beasts imported.

12. Any live Beast landed from a Vessel at any Port, if sound, may, notwithstanding anything in this Act, be moved on a public Highway within the Limits of the Metropolis, or any Borough, as defined by "The Cattle Diseases Prevention Act, 1866," subject to the Provisions of Clause 17 of that Act; and Beasts landed at the Port of Leith may be moved by the direct Route thence to the public Slaughter-house in Edinburgh, and at the Port of Bristol to any licensed Slaughter-house, or to any Lair or Yard adjacent to such a Slaughter-house, within the Jurisdiction of the Mayor and Corporation of Bristol: Provided also, that nothing herein contained shall interfere with the moving of sound Beasts for immediate Slaughter from the Docks of Liverpool to the Stanley Market, and to the Lairs on the Road to the same, and back from the Market to the Borough, or from the Borough across the River Mersey to the licensed Slaughter-houses in Birkenhead, all such Beasts being moved with a Licence from the Local Authority.

Licence, how to be obtained.

13. Where under this Act a Licence for the moving of a live Beast is requisite, the same shall be obtained as follows, namely,—the Person desiring to move the Beast shall obtain from such Person or Persons as shall be appointed by the Local Authority a Certificate

tificate of the Soundness of the Beast and of the Purpose of the intended Movement, and shall produce the same to a Justice, and shall make and sign before the Justice a Declaration to the same Effect, and thereupon the Justice, unless he sees good Cause to the contrary, shall grant a Licence for the Movement of the Beast accordingly.

In case of a Breeding Licence for the moving of a Cow or Heifer the Certificate and Declaration shall extend also to the Fact of the Bull being sound, and in case of a Breeding Licence for the moving of a Bull the Certificate and Declaration shall extend also to the Fact of the Cows and Heifers kept at the Place to which the Bull is to be moved being sound.

General Provisions relating to Cattle.

Penalty for moving contrary to Act.

14. If any Person knowingly and wilfully moves any live Beast in contravention of this Act, he shall for every such Offence be liable, on summary Conviction, to the following Penalty; namely, where the Offence is committed with respect to not more than Four Beasts to a Penalty not exceeding Twenty Pounds, and where the Offence is committed with respect to more than Four Beasts then to a Penalty not exceeding Five Pounds for each Beast.

Presumption against Person moving.

15. Where any Person is charged before a Justice of the Peace with having moved a live Beast on a public Highway, and the Fact of moving is proved to the Satisfaction of the Justice, it shall be presumed that it has been so moved in contravention of this Act until the contrary is shown.

Power for Constables to stop Beasts on Highway, &c.

16. Any Constable or other Peace Officer may stop and detain any live Beast being moved in his View along any public Highway which he has good Cause to suspect is being so moved in contravention of this Act, and may without Warrant apprehend the Driver or Person in charge of the Beast, unless such Driver or Person shall produce a Licence authorizing him to move such Beast, and such Driver or Person shall be taken as soon as may be before a Justice to be examined and dealt with according to Law; but any Beast or Person detained or apprehended under this Enactment shall not be detained by any Constable or other Peace Officer of his own Authority longer than is necessary for obtaining the Order of a Justice in the Matter, or longer than Forty-eight Hours at the utmost; and the Constable or other Peace Officer so detaining any Beast shall cause it to be supplied with requisite Food and Water during its Detention.

Power for Justices to order Beast

17. Where any live Beast is detained under this Act, and the Owner of the Beast is convicted of an Offence against this Act in relation

to be killed, &c.

relation thereto, Two Justices may, if it appears to them that the Beast was when stopped being moved in contravention of this Act, order it to be slaughtered, and its Carcase to be sold, buried, or otherwise disposed of as they think fit.

The Proceeds of any such Sale shall be paid under the Order of Two Justices in England to the Treasurer of the County or Borough, and shall be placed in a County to the Credit of the County Rate, and in a Borough to the Credit of the Borough Fund, and in Scotland to the Clerk of the Local Authority.

Restriction on Movement of Hides and Skins.

Movement on Railways, Canals, &c.

18. No raw or untanned Hides of Beasts, and no Horns or Hoofs of Beasts, shall be moved on any Railway, Canal, Navigation, or River, unless they are effectually covered.

Movement on Highways.

19. No raw or untanned Hides of Beasts, and no Horns or Hoofs of Beasts, shall be moved on any Highway, except subject and according to the following Provisions:

(1.) Any such Hides, Horns, or Hoofs may be moved as freely as if this Act had not been passed on any Street or Road passing through a Town, or through Lands continuously built upon on both Sides, except at any Point where such Street or Road passes by any Building other than a Slaughter-house, or any Yard or Land where Beasts are kept:

(2.) Any such Hides, Horns, or Hoofs may be moved on any Highway if they are effectually covered, or if they have been limed for any manufacturing Purpose:

(3.) Any such Hide, Horns, or Hoofs of any Beast may be moved on any public Highway with a Licence to be obtained as follows; namely, the Person desiring to move the same, or his Agent in that Behalf authorized, shall obtain from the Inspector of the District in which the Beast was kept a Certificate either that the Beast had not been itself affected with the Cattle Plague, and that its Hide or Horns and Hoofs (as the Case may be) had been effectually disinfected, or else that the Beast was sound, and shall produce that Certificate to a Justice, and shall make and sign before the Justice a Declaration to the same Effect, and thereupon the Justice, unless he sees good Cause to the contrary, shall grant a Licence for the moving of the Hide, Horns, or Hoofs (as the Case may be) accordingly.

Exception for imported Hides.

20. Nothing in the foregoing Provisions shall affect the Right of moving in any Manner whatever raw or untanned Hides or Horns

Horns or Hoofs directly imported into the United Kingdom from India, Australia, South Africa, or America, and any such Hides, Horns, or Hoofs may be moved, with a Certificate of Origin, as freely as if this Act had not been passed.

Sheepskins not to be moved with Hides.

21. No Sheepskin (except after being limed for a manufacturing Purpose) shall be moved in the same Vehicle with or in contact with any raw or untanned Hides, or any Horns or Hoofs of Beasts (whether imported as aforesaid or not).

Sheepskins not to be moved from infected Buildings.

22. No Sheepskin shall be moved from any Building or Yard where any Beast affected with the Cattle Plague has been kept, unless that Building or Yard was effectually cleansed and disinfected Thirty Days at least before the Skin, or the Sheep from which it was taken, was placed therein, or unless such Skin shall have been limed for a manufacturing Purpose, or shall have been effectually disinfected under the Superintendence of the Inspector, and he has so certified.

Penalty for Offences as to Hides, &c.

23. If any Person knowingly does or causes to be done anything in contravention of any of the Provisions of this Act relating to Hides, Horns, Hoofs, and Sheepskins, he shall for every such Offence be liable, on summary Conviction, to a Penalty not exceeding Twenty Pounds.

Restrictions as to Offal, Dung, &c.

24. No Offal or Dung of Beasts, and no Hay, Straw, Fodder, or Litter, shall be moved on any Railway, Canal, Navigation, River, or Highway from any Building, Field, or Yard where any Beast affected with the Cattle Plague has been kept, unless and until the Offal, Dung, Hay, Straw, Fodder, or Litter has been effectually disinfected under the Superintendence of the Inspector, and he has so certified.

Penalty on Owner.

25. If any Owner of such Offal or other Thing acts in contravention of this Act, he shall for every such Offence be liable, on summary Conviction, to a Penalty not exceeding Twenty Pounds, and to a further Penalty not exceeding Ten Pounds for every Half Ton in Weight of such Offal or other Thing after the First Half Ton.

Penalty on Driver, Company, &c.

26. If any Person other than the Owner as aforesaid knowingly and wilfully acts in contravention of this Act with regard to any such Offal or other Thing, he shall for every such Offence be liable, on summary Conviction, to a Penalty not exceeding Twenty Pounds.

Miscellaneous.

Disinfection and Disposal of Carcases and Skins.

27. Where by any Act of Parliament it is enacted that the Carcase or Skin of any Animal that has died or has been slaughtered in consequence of being affected with Cattle Plague or other infectious or contagious Disorder shall be buried, it shall be lawful for the Local Authority, or the Officer or Person responsible under such Act for the due Compliance with such Enactment, to cause such Carcases or Skins to be disinfected and disposed of with the Approval of the Lords of the Privy Council as to such Disinfection and Disposal, and such Disinfection and Disposal of such Carcases and Skins shall be deemed for all Purposes a sufficient Compliance with such Enactment.

Disinfection of Cattle Pens, Trucks, and Boats of Railway Companies.

28. Every Railway Company that carries Animals for Hire within any Part of Great Britain shall, before the Twenty-fifth Day of March next, thoroughly cleanse and disinfect all Cattle Pens, Trucks, and Boats belonging to such Company, and used for holding or carrying Animals, in the Manner which shall be directed by an Order made by the Board of Trade, which Order they are hereby empowered from Time to Time to make, vary, or revoke, or, in case of no such Order being made or being in force, by a Washing of Lime Water or some other efficient Means; and every such Pen, Truck, or Boat shall, on or before the said Twenty-fifth Day of March, be inspected by an Officer duly appointed in that Behalf in Writing under the Hand of the President or Vice President of the said Board of Trade, or by an Inspector duly authorized in that Behalf by the Local Authority having Jurisdiction in the Place where such Pen, Truck, or Boat is; and such Officer or Inspector shall, if satisfied that such Pen, Truck, or Boat has been properly cleansed and disinfected, certify to that Effect in Writing under his Hand; and, until such Certificate has been given, no Animal shall be placed in any such Pen, Truck, or Boat; and when such Certificate has been given in respect of any Pen, Truck, or Boat, such Company, on every Occasion after when any Animals have been taken out of any such Pen, Truck, or Boat, and before any other Animals are placed therein, shall thoroughly cleanse and disinfect as aforesaid every such Pen, Truck, or Boat; and if any Pen, Truck, or Boat, shall at any Time be used in contravention of this Act, the Company to which such Pen, Truck, or Boat belongs, or by or on whose Behalf it is so used, shall be liable to a Penalty not exceeding Five Pounds for every Time which such Pen, Truck, or Boat is so used.

Restriction on Dogs.

29. Each Local Authority may from Time to Time order that Dogs be not allowed to go at large, not under the Control of their Owner,

Owner, or his or her Servant or Servants, in the District of the Local Authority, or in any specified Part of the District, either absolutely or except in conformity with Conditions prescribed by the Order, and may by any such Order authorize any Constable or Peace Officer or other Person to destroy any Dog going at large in contravention of the Order, and may from Time to Time vary, suspend, or revoke any such Order; and every such Order, while in force, shall be sufficient Warrant for any Person acting in pursuance thereof.

Prohibiting Exhumation of buried Animals.

30. It shall not be lawful for the Owner or any other Person to dig up or exhume any Beast, or any Part or Portion of any Beast, that has been killed and buried by Order of the Inspector or any other competent Local Authority; any such Proceeding shall constitute an Offence punishable by the same Pains and Penalties as are imposed by this Act upon the Contravention or Disobedience to any of the lawful Orders of the Inspector or any other competent Authority.

Hours for Use of Licences as to Highways.

31. Any Licence under this Act for the moving of any live Beast, Animal, or Thing shall, with respect to the moving thereof on any public Highway, be available only from the Beginning of One Hour before Sunrise to the End of One Hour after Sunset.

Any such Licence shall be available only for a Time to be specified therein, and which shall in no Case exceed Eight Days, including the Day of the granting thereof.

Every such Licence shall specify the Route to be taken and the Name of the Driver or other Person who is to have charge of the Beast, Animal, or Thing to which the Licence relates.

Any such Licence shall not be available for the Movement of any Animal or Thing on a Highway beyond the Limits of the District of the Local Authority within which it is granted, unless and until it is countersigned by the Local Authority of each District within which it is used, or by some Officer or Person authorized by them in that Behalf.

Any Certificate, Declaration, and Licence under this Act may include more Beasts or Animals than One, each being separately described.

Any Declaration under this Act required to be made respecting any Beast may be made either by the Owner of the Beast, or by his Bailiff, Foreman, Factor, or Grieve authorized in that Behalf.

No Stamp Duty shall be payable on, and no Fee or other Charge shall be demanded or made for, any Certificate, Declaration, or Licence under this Act.

Licences in Metropolis.

32. In the Metropolis (that is to say, all Parishes and Places in which the Metropolitan Board of Works have Power to levy a Main Drainage Rate, with the Exception of the City of London and the Liberties thereof,) any Licence under this Act shall be granted by the Commissioner of Police of the Metropolis instead of a Justice, and this Act shall be construed accordingly.

Penalty for Refusal to produce Licence.

33. If any Person, having charge of any Beast, Animal, or Thing being moved on a Highway, Railway, Canal, Navigation, or River, for the moving whereof a Licence is requisite under this Act, on being required by any Person to produce the Licence (if any) for the moving of that Beast, Animal, or Thing, fails so to do, he shall for every such Offence be liable, on summary Conviction before a Justice, to a Penalty not exceeding Ten Pounds.

Penalty for false Declaration.

34. If any Person knowingly and wilfully makes any false Statement in any Certificate or Declaration under this Act, he shall for every such Offence be liable, on summary Conviction before Two Justices, to a Penalty not exceeding Fifty Pounds, or, in the Discretion of the Justices, to be imprisoned for any Term not exceeding Two Months, with or without Hard Labour.

Application of Penalties.

35. Any Penalty recovered under this Act in a County shall be applied as follows; namely, one Half thereof shall be paid to the Informer, and the other Half thereof shall be paid to the Treasurer of the County, and shall be by him placed to the Credit of the County Rate.

Instruments to be in Writing, &c.

36. Any Certificate, Declaration, Licence, or other Instrument required under this Act may be in Writing or Print, or partly in Writing and partly in Print.

Forms in Schedule.

37. The Forms given in the Schedule to this Act, with such Variations or Additions as Circumstances require, shall be used for the respective Purposes in the Schedule indicated, and according to the Directions therein contained.

Power for Cattle Owner to prevent Trespass on his Land.

38. Where any Person, having any Beast in his Possession or Keeping within the District of any Local Authority wherein the Cattle Plague exists, affixes at the Entrance to any Building or Land in or on which the Beast is kept, a Notice forbidding Persons to enter into or on that Building or Land without his Permission, if any Person not having a Right of Entry or Way into, on, or over that Building or Land enters into, on, or over the same, or any Part thereof, in contravention of the Notice, he shall for every

every such Offence be liable to a Penalty not exceeding Five Pounds.

Provision as to Removal of Beasts brought by Sea.

39. Any live Beast brought by Sea from one Part to another Part of any District, which the Lords of Her Majesty's Privy Council shall, by Order, declare under this Act to be free from Cattle Plague, may, if sound, notwithstanding anything in this Act or "The Cattle Diseases Prevention Act, 1866," be moved within the Limits of such District; but this Enactment shall not apply to the Case of Animals brought by Sea from beyond such District into such District within Thirty Days of such first-mentioned Movement.

Diseased Beasts not to be turned out on Commons.

40. No Person shall at any Time turn out or allow to continue turned out on any Common or other undivided or unenclosed Land any diseased Beast. Any Person wilfully driving or allowing any Beast under his Charge to be driven or to stray into any Field sufficiently fenced, without Consent of the Owner or Occupier thereof, shall be deemed to have moved such Beast in contravention of this Act.

Detached Parts of Counties how dealt with, and Limits of Burghs.

41. For the Purposes of this Act and of the Cattle Diseases Prevention Act, 1866, all detached Parts of Counties in Scotland shall be considered as forming Part of that County by which they are surrounded, or if partly surrounded by Two or more Counties, then as forming Part of that County with which they have the longest common Boundary; and all Provisions with respect to Burghs shall only extend to the Municipal Limits of the same.

Powers of General Inspector.

42. Any Person appointed by the Lords of Her Majesty's Privy Council to be a Cattle Inspector for the Purposes of this Act and the Cattle Diseases Prevention Act, 1866, shall have, throughout Great Britain, all the Powers given by the Cattle Diseases Prevention Act, 1866, to an Inspector appointed by a Local Authority within its District.

Inspection of Cattle Sheds in Boroughs.

43. The Magistrates of Boroughs in Scotland shall have Power to require all Cowhouses and Cattle Sheds within Boroughs to be inspected by an Officer appointed by them, and, if found to be suitable for such Purpose, to be licensed by them; and the Magistrates shall likewise have Power to make Rules and Regulations for the proper sanitary Condition of the same, and to fix and determine in each Licence the Number of Cattle which may be kept in each such Cowhouse or Cattle Shed; and if any Person shall keep any Cattle within any Borough without such Inspection and Licence, or shall violate any of the Conditions of such Licence,

or any of the Rules and Regulations made by the Magistrates, he shall, on Conviction before any Two of them, be subjected to a Penalty not exceeding Five Pounds for each such Offence.

Inspection of Cattle Sheds in populous Places.

44. In the Case of Burghs and populous Places in Scotland which have adopted the whole or Portions of "The Police and Improvement, Scotland, Act, 1862," the Commissioners under the said Act shall have Power to require all Cowhouses and Cattle Sheds within such Burghs or populous Places to be inspected by an Officer appointed by them, and, if found to be suitable for such Purpose, to be licensed by them; and the Commissioners shall likewise have Power to make Rules and Regulations for the proper sanitary Condition of the same, and to fix and determine in each Licence the Number of Cattle which may be kept in each such Cowhouse or Cattle Shed; and if any Person shall keep any Cattle within any Burgh or populous Place without such Inspection and Licence, or shall violate any of the Conditions of such Licence, or any of the Rules and Regulations made by the Commissioners, he shall, on Conviction before the Sheriff or any Two Justices, be subjected to a Penalty not exceeding Five Pounds for each such Offence.

Judicial Power of Sheriff and Authority of Magistrates.

45. In Scotland all the Judicial Powers given to Justices and Quarter Sessions by this Act may also be exercised by the Sheriff of the County or Sheriff Substitute; and within Burghs in Scotland the Magistrates of the Burgh shall have the same Authority and Functions in carrying out and executing the Purposes of this Act as are conferred on the Justices of the Peace.

Powers of Local Authorities.

46. All Orders made by the Lords of Her Majesty's Privy Council in pursuance of the Act of the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter One hundred and seven, in force at the Date of the passing of this Act, and all Orders made and Notices published by Local Authorities under the Powers conferred on them by such Orders of the Lords of Her Majesty's Privy Council which shall be in force at the Date of the passing of this Act, shall be and remain in force in the several Places in Scotland to which they apply, until a Local Authority shall have been duly constituted under the Provisions of "The Cattle Diseases Prevention Act, 1866."

Meetings of Commissioners of Supply to be held validly convened.

47. No Act or Proceeding of any Meeting of Commissioners of Supply, called for the Purpose of electing Members of the Local Authority under the Fifth Section of "The Cattle Diseases Prevention Act, 1866," shall be questioned on account of insufficient Notice,

Notice, or any other Defect in the Manner in which such Meeting was called.

Procedure, &c.

48. Sections Twenty-nine to Thirty-one, both inclusive, of "The Cattle Diseases Act, 1866," are hereby incorporated with this Act, and this Act shall have Effect as if those Sections were here repeated and expressly made applicable to this Act; and the Term "Penalty" in the said Section Thirty-one shall, for the Purposes of this Act, be taken to include Punishment by Imprisonment.

Issue and Renewal of Orders and Regulations of Council.

49. Notwithstanding the passing of this Act, it shall be lawful for the Lords of Her Majesty's Privy Council to issue, and to renew from Time to Time, all or any such Orders and Regulations as by the Act Eleventh and Twelfth Victoria, Chapter One hundred and seven, and subsequent Acts relating thereto, they are now empowered to issue, which may not be inconsistent with the Provisions of this Act, or of "The Cattle Diseases Prevention Act, 1866."

Publication of Order to be made at Expense of Local Authority.

50. Wherever any Order of Her Majesty in Council or of the Lords of Her Majesty's Most Honourable Privy Council is required to be published in One or more Newspapers circulating in any District, such Publication shall be made under the Direction and at the Cost of the Local Authority.

Evidence of Orders.

51. Any Order of Her Majesty in Council, and any Order of the Lords of Her Majesty's Most Honourable Privy Council, relating to the Cattle Plague, whether made before or after the passing of this Act, may, at all Times after the passing of this Act, be proved by the Production of a Copy of the Gazette containing such Order, or by the Production of a Copy of any such Order purporting to be printed by the Printers of Her Majesty: all Orders, Regulations, and Notices in relation to the Cattle Plague, whether issued before or after the passing of this Act, by any Authority other than Her Majesty in Council or the Lords of the said Privy Council, may be proved in any of the Modes herein-after mentioned:

First, by the Production of a Copy of a Newspaper containing a Copy of such Order, Regulation, or Notice; or,

Secondly, by the Production of a printed Copy of such Order, Regulation, or Notice, certified to be a true Copy by the Clerk of the Peace where the Authority are Justices in General or Quarter Sessions assembled, or by the Town Clerk or other Officer performing the Duties of a Town Clerk in the Case of an Authority having a Town Clerk or other Officer as aforesaid; or,

Thirdly, by the Production of a printed Copy of such Order, Regulation, or Notice, sealed with the Corporate Seal where the Authority has a Seal:

And any Order, Regulation, or Notice mentioned in this Section shall, until the contrary is proved, be deemed to have been duly made and issued at the Time at which it bears Date.

Officers of Customs may seize diseased Meat.

52. From and after the passing of this Act whenever any Meat shall be imported or brought into the United Kingdom it shall be lawful for any Officer or Officers of Customs, either on board the importing Vessel or after such Meat may have been unshipped or landed, to examine the same in any Manner he may deem fit, for the Purpose of ascertaining whether such Meat is unfit for human Food, or likely to spread the Cattle Plague or other Disease; and if upon such Examination such Meat shall be found unfit for human Food, or likely to spread the Cattle Plague or other Disease, then and in every such Case all or any of such Meat shall be forfeited, and shall and may be seized by any Officer or Officers of Customs, and destroyed or otherwise disposed of in such Manner as the Commissioners of Customs may direct.

Expenses of Execution of Act.

53. Except with respect to Expenses incurred by Officers appointed by the Lords of Her Majesty's Privy Council, or appointed by the President or Vice-President of the Board of Trade, the Expenses of the Execution of this Act shall be defrayed as the Expenses incurred by the Local Authority under "The Cattle Diseases Prevention Act, 1866," are to be defrayed.

Duration of Act.

54. Except as is in this Act otherwise expressly provided, this Act shall have the same Duration as "The Cattle Diseases Prevention Act, 1866," unless this Act as to all or any of its Provisions in respect of the whole or any Part of Great Britain shall be determined by an Order of the Lords of Her Majesty's Privy Council; and in case of the Determination of any such Provision, the Lords of Her Majesty's Privy Council shall have Power, by Order, to renew the same for the whole or any Part of Great Britain.

The SCHEDULE.

Certificate for Movement.

CATTLE PLAGUE ACT, 1866.

I *A.B.* of in the County of being a Person appointed in this Behalf by the Local Authority, hereby certify, to the best of my Judgment and Belief, That the Beast described in the Schedule to this Certificate is sound within the Meaning of the above-mentioned Act, and that the Purpose of the intended Movement for which this Certificate is given is truly stated in the same Schedule, that I believe that no Case of Cattle Plague has occurred within One Mile of the Farm of the said [*Applicant*] during the last Calendar Month.

Dated the Day of 186 .

(Signed) *A.B.*

Schedule.

Description of Beast.	Name and Address of Person having the Beast in his Possession or Keeping.	Purpose of intended Movement.

Declaration of Cattle Owner

[*to be indorsed on the foregoing Certificate*].

CATTLE PLAGUE ACT, 1866.

I *C.D.* of hereby declare, That I am the Person described in the Schedule to the within-written Certificate, and that the Beast therein described is in my Possession or Keeping as Owner thereof [*or as the Case may be*], and that I am desirous of moving it for the Purpose therein stated, and for no other Purpose, and that, to the best of my Judgment and Belief, the Beast is sound within the Meaning of the above-mentioned Act, that I believe that no Case of Cattle Plague has occurred within One Mile of the Farm of the said [*Applicant*] during the last Calendar Month.

Dated this Day of 186 .

(Signed) *C.D.*

Before me, *E.F.*,

[*Signature of Justice.*]

Form of Licence.

CATTLE PLAGUE ACT, 1866.

I *E.F.* of in the County of a Justice of the Peace for the said County, on reading the Certificate of *A.B.* of now produced, and on receiving the Declaration of *C.D.* of now made and signed before me, respectively appearing to me to relate to the Beast described in the Schedule to this Licence, do, by virtue of the above-mentioned Act, hereby grant to the said *C.D.* this Licence to move the said Beast for the Purpose by the Route and under the Charge of the Person in the said Schedule described, and subject and according to the Conditions and Provisions of the said Act.

Dated this Day of 186 .

(Signed) *E.F.*

Schedule.

Description of Beast.	Name and Address of Person having the Beast in his Possession or Keeping.	Purpose of intended Movement.	Route to be taken.	Name and Address of Driver or other Person having charge of the Beast.

Note.—This Licence is available only for Days, including the Day of its Date.

This Licence is available only from the Beginning of One Hour before Sunrise to the End of One Hour after Sunset.

Schedule.

Certificate of Origin.

We hereby certify that to be removed by you from for Delivery to are directly imported into the United Kingdom from and are therefore exempt from the Restrictions respecting the Transit of Hides, Skins, &c., contained in "The Cattle Plague Act, 1866."

To

[*To be signed by the Owner or his Agent.*]

Cattle Plague.

A

BILL

[AS AMENDED IN COMMITTEE, ON RE-COMMITMENT, ON SECOND RE-COMMITMENT, AND ON CONSIDERATION OF BILL AS AMENDED]

To check the Spread of the Cattle Plague in Great Britain.

(*Prepared and brought in by Mr. Hunt, Mr. Holland, Mr. Banks Stanhope, and Sir James Fergusson.*)

Ordered, by The House of Commons, *to be Printed*, 23 *February* 1866.

[Bill 34.]

Under 3 *oz.*

A

BILL

[AS AMENDED BY THE LORDS]

INTITULED

An Act to check the Spread of the Cattle Plague in Great Britain.

[Note.—*The Words and Clauses in "Italics" were inserted, and the Words and Clauses struck through were omitted, by the Lords. The Numbers that are struck through are the Numbers by which the Clauses are designated in the original Bill.*]

WHEREAS a contagious or infectious Disease now prevails among the Cattle of Great Britain, which is generally and in this Act designated the Cattle Plague:

And whereas it is expedient to make better Provision for checking the Spread of the Cattle Plague in Great Britain:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

1. This Act may be cited as The Cattle Plague Act, 1866. Short Title.

2. This Act shall extend to England and Scotland. Extent of Act.

3. *This Act shall be construed as One with the Cattle Diseases Prevention Act,* 1866; *and this Act and the said Cattle Diseases Prevention Act,* 1866, *and the Act of the Session of the Eleventh* Clause A. Construction of Act.

and Twelfth Years of the Reign of Her present Majesty, Chapter One hundred and seven, may be cited together as "The Cattle Diseases Acts."

Amendments of Cattle Diseases Prevention Act.

CLAUSE G. Continuation of Part I. of Cattle Diseases Act.

4. *Her Majesty may, in continuing from Time to Time, or renewing if expired, the Provisions of Part I. of "The Cattle Diseases Prevention Act,* 1866, *relating to the Slaughter of diseased Animals, give to any Local Authority or Authorities Power to exercise a Discretion as to slaughtering or not any Animals affected with Cattle Plague, although no such Discretion is given by the said Act; and Clause Thirty-four of the said "Cattle Diseases Prevention Act,* 1866," *shall be construed as if the Word "Animals" were substituted therein for "Cattle."*

~~Miscellaneous.~~

Disinfection and Disposal of Carcases and Skins.

~~27.~~ **5.** Where by ~~any Act of Parliament~~ *the Cattle Diseases Acts, or any of them, or any Orders of Her Majesty in Council, or of the Privy Council, made or to be made before or after the passing of the said Acts, or any of them, or any Notice published or to be published, or Order made or to be made, by any Local Authority in pursuance of any Order of Her Majesty in Council, or of the Privy Council, or of the said Acts, or any of them,* it is enacted *or ordered* that the Carcase or Skin of any Animal that has died or has been slaughtered in consequence of being affected with Cattle Plague or other infectious or contagious Disorder shall be buried, it shall be lawful for the Local Authority, or the Officer or Person responsible under such Act *or Order* for the due Compliance with such Enactment *or Order*, to cause such Carcases or Skins to be ~~disinfected and~~ disposed of ~~with the Approval of the Lords of~~ *in such Manner as* the Privy Council ~~as to such Disinfection and Disposal~~ *may sanction with a view to prevent the spreading of the Cattle Plague or other contagious or infectious Disorder,* and such ~~Disinfection and~~ Disposal of such Carcases and Skins shall be deemed for all Purposes a sufficient Compliance with such Enactment *or Order.*

CLAUSE B. Amendment of Section 17 of Cattle Diseases Act.

6. *When and so long as the Prohibition contained in Section Seventeen of "The Cattle Diseases Prevention Act,* 1866," *as to the Movement of Cattle by Railway, is in force, no Cattle shall be moved on any Tramway, Canal, Navigation, or River, subject to this Proviso that this Section shall not prevent any Sea-going Ship carrying Cattle imported by Sea along any Tidal River frequented by Sea-going Ships.*

CLAUSE E. Definition of "Town or Place."

7. *Whereas by the Seventeenth Section of "The Cattle Diseases Prevention Act,* 1866," *it is provided that all Cattle brought by Sea from*

from any Place in Great Britain or from any Place out of the United Kingdom into any Town or Place in Great Britain shall be marked by clipping the Hair off the End of the Tail, and no such Cattle shall be removed alive from such Town or Place except by Sea:

Be it enacted, That "Town or Place" in the said Section shall, according to Circumstances, mean as follows:

1. *The Area of the Metropolis as defined by the said Act; or,*
2. *As respects England, the Area of any Borough which is subject to the Act of the Session of the Fifth and Sixth Years of King William the Fourth, Chapter Seventy-six, and in the Case of Birkenhead so much of the said Place as is within the Jurisdiction of the Improvement Commissioners of Birkenhead; or,*
3. *In the Case of any other Town or Place, should any Dispute arise with respect to the Boundary thereof, such Area as may be defined by the Commissioners of Customs to constitute such Town or Place:*

Provided that Animals free from Cattle Plague, and which have not been in contact with any diseased Animal, landed at the Port of Leith or at the Port of Granton, may be moved by the shortest and most direct Routes thence to the public Slaughter-house in Edinburgh or Leith, and at the Port of Bristol to any licensed Slaughter-house, or to any Lair or Yard adjacent to such a Slaughter-house, within the Jurisdiction of the Mayor and Corporation of Bristol: Provided also, that nothing herein contained shall interfere with the moving of Animals free from Cattle Plague from the Docks of Liverpool to the Stanley Market, and to the Lairs on the Road to the same, and back from the Market to the Borough, for immediate Slaughter, or from the Borough across the River Mersey to the licensed Slaughter-houses in Birkenhead for immediate Slaughter, all such Animals being moved with a Licence from the Local Authority.

~~39.~~ **8.** Any ~~live Beast~~ *Animal* brought by Sea from one Part to another Part of ~~any District which the Lords of Her Majesty's Privy Council shall, by Order, declare under this Act to be free from Cattle Plague,~~ *the North-western District of Scotland as defined by Order of the Privy Council, dated the Third Day of November One thousand eight hundred and sixty-five,* may, if ~~sound~~ *free from Cattle Plague,* notwithstanding anything in this Act or "The Cattle Diseases Prevention Act, 1866," be moved within the Limits of such District; but this Enactment shall not apply to the Case of Animals brought by Sea from beyond such District into such District within Thirty Days of such first-mentioned Movement.

Provision as to Removal of Beasts brought by Sea.

Detached Parts of Counties how dealt with, and Limits of Burghs.

44. **9.** For the Purposes of this Act and of the Cattle Diseases Prevention Act, 1866, all detached Parts of Counties in Scotland shall be considered as forming Part of that County by which they are surrounded, or if partly surrounded by Two or more Counties, then as forming Part of that County with which they have the longest common Boundary; and all Provisions with respect to Burghs shall only extend to the Municipal Limits of the same.

Judicial Power of Sheriff and Authority of Magistrates.

45. **10.** In Scotland all the Judicial Powers given to Justices and Quarter Sessions by this Act may also be exercised by the Sheriff of the County or Sheriff Substitute; and within Burghs in Scotland the Magistrates of the Burgh shall have the same Authority and Functions in carrying out and executing the Purposes of this Act as are conferred on the Justices of the Peace.

Powers of Local Authorities.

46. **11.** All Orders made by the Lords of Her Majesty's Privy Council in pursuance of the Act of the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter One hundred and seven, in force at the Date of the passing of this Act, and all Orders made and Notices published by Local Authorities under the Powers conferred on them by such Orders of the Lords of Her Majesty's Privy Council which shall be in force at the Date of the passing of this Act, shall be and remain in force in the several Places in Scotland to which they apply, until a Local Authority shall have been duly constituted under the Provisions of "The Cattle Diseases Prevention Act, 1866."

Meetings of Commissioners of Supply to be held validly convened.

47. **12.** No Act or Proceeding of any Meeting of Commissioners of Supply, called for the Purpose of electing Members of the Local Authority under the Fifth Section of "The Cattle Diseases Prevention Act, 1866," shall be questioned on account of insufficient Notice, or any other Defect in the Manner in which such Meeting was called.

General Provisions.

Clause P. Prohibition of Markets, Fairs, &c., with Exceptions.

13. *From and after the End of Seven Days next after the Day of the passing of this Act, no Market, Fair, Public Auction, Exhibition, or public Sale of Cattle shall be held; subject, nevertheless, to the following Provisions:*

1. *At any Time after the First Day of July One thousand eight hundred and sixty-six the Privy Council may, by Order, on the Application of any Local Authority, suspend the Prohibition contained in the present Section within the District of that Local Authority, or any Part thereof; and*

and the Privy Council may at any Time vary or revoke, and may from Time to Time renew, any such Order of Suspension:

2. *The Prohibition contained in the present Section shall not prevent the Holding in Liverpool or Glasgow of any Market, Fair, Auction, Exhibition, or public Sale of Cattle imported there directly from Ireland; but if at any Time the Cattle Plague exists in Ireland, the Privy Council may, by Order, extend the Prohibition contained in the present Section to Liverpool and Glasgow, or either of them, temporarily or otherwise, and the Privy Council may at any Time vary or revoke, and may from Time to Time renew, any such Order of Extension.*

CLAUSE C. Isolation of infected Places.

14. *It shall be lawful for the Authority herein-after mentioned, that is to say, for the Lords of the Privy Council, or any Two of them, herein-after referred to as the Privy Council, as to any Place in England or Scotland, and for any Local Authority as to any Place in its District, by Notice published in such Manner as it thinks expedient, to declare any Place in which Cattle Plague at that Time exists, together with such an Area, including such Place, as to such Authority may seem to be required, to be "an infected Place;" and such Authority may, at the Expiration of One Month after the Disappearance of Cattle Plague in any "infected Place," by Notice published in like Manner, declare such "infected Place" to be free from Cattle Plague; and after the Publication of such last-mentioned Notice such Place shall cease to be "an infected Place" within the Meaning of this Act, unless again declared in manner aforesaid to be infected.*

The Area of an "infected Place" may be described by Reference to a Map deposited at some specified Place, or by Reference to Parishes, Townships, Farms, or otherwise, as the Authority may think expedient.

Any Local Authority may include in the Area of "an infected Place" any adjoining Part of the District of another Local Authority, with the Consent of such last-mentioned Authority, such Consent being signified by Letter signed by the Clerk of such last-mentioned Authority.

Any Order made by the said Privy Council shall supersede any Order inconsistent with it that may have been made by a Local Authority.

CLAUSE D. Rules with respect to infected Places.

15. *The following Rules shall be observed with respect to infected Places:*

1. *No Animal shall be moved out of, or, without the Consent of the Local Authority, into an "infected Place," or along any Highway within an "infected Place," provided that Animals may*

may be moved from one Part of the same Farm to another Part, subject to such Restrictions as may be imposed by the Authority which has declared a Place infected:

2. *No Hides, Skins, Horns, Hoofs, Meat, or other Parts of Animals, and no Dung of Animals, and no Hay, Straw, Litter, Fodder, or other Articles, that have been in contact with or about Animals affected with Cattle Plague, shall be removed from an infected Place, unless with a Licence from some Officer authorized to issue the same by the Authority that declared the Place infected, certifying that such Articles have not formed Part of an Animal affected by Cattle Plague, or been used in contact with or about any Animals affected with Cattle Plague, and have, except in case of Meat fit for human Food, been properly disinfected; provided, that the Consent of the Local Authority of the District to which any of the aforesaid Articles shall be removed shall have been previously obtained:*

And any Authority within whose District there may be an infected Place may make Orders as to the shutting up of Dogs and the Destruction of stray Dogs.

Any Person acting in contravention of this Section, or of any Order of a Local Authority made thereunder, shall be liable to a Penalty not exceeding Twenty Pounds.

Restriction on Dogs.

~~29.~~ **16.** ~~Each~~ *A* Local Authority *in any Part of whose District Cattle Plague exists* may from Time to Time order that Dogs be not allowed to go at large, not under the Control of their Owner, or his or her Servant or Servants, in the District of the Local Authority, or in any specified Part of the District, either absolutely or except in conformity with Conditions prescribed by the Order, and may by any such Order authorize any Constable or ~~Peace~~ *Police* Officer ~~or other Person~~ to destroy any Dog going at large in contravention of the Order, and may from Time to Time vary, suspend, or revoke any such Order; and every such Order, while in force, shall be sufficient Warrant for any Person acting in pursuance thereof.

~~Restriction on Movement of Hides and Skins.~~

Movement on Railways, Canals, &c.

~~18.~~ **17.** No raw or untanned Hides ~~of Beasts~~ *or Skins of Animals*, and no Horns or Hoofs of ~~Beasts~~ *Animals*, shall be moved on any Railway, *Tramway*, Canal, Navigation, or River, unless they ~~are effectually covered~~ *have been effectually disinfected; provided that disinfected Hides, Horns, and Hoofs may be so moved under a Licence from a Justice, to be granted on a Declaration signed before him by the Owner or his Agent that they have been effectually disinfected.*

~~20.~~ **18.** Nothing

~~20.~~ **18.** Nothing in the foregoing Provisions shall affect the Right of moving in any Manner whatever raw or untanned Hides or Horns or Hoofs directly imported into the United Kingdom from India, Australia, South Africa, or America, and any such Hides, Horns, or Hoofs may be moved, with a Certificate of Origin, as freely as if this Act had not been passed. Exception for imported Hides.

~~23.~~ **19.** If any Person knowingly does or causes to be done anything in contravention of any of the Provisions of this Act relating to Hides, Horns, Hoofs, and ~~Sheepskins,~~ *Skins of Animals*, he shall for every such Offence be liable, on summary Conviction, to a Penalty not exceeding Twenty Pounds. Penalty for Offences as to Hides, &c.

~~24.~~ **20.** No Offal or Dung of ~~Beasts,~~ *Animals*, and no Hay, Straw, Fodder, or Litter, shall be moved on any Railway, *Tramway*, Canal, Navigation, *or* River, ~~or Highway,~~ from any Building, Field, or Yard where any ~~Beast~~ *Animal* affected with the Cattle Plague has been kept, unless and until the Offal, Dung, Hay, Straw, Fodder, or Litter has been effectually disinfected under the Superintendence of the Inspector, and he has so certified. Restrictions as to Offal, Dung, &c.

~~25.~~ **21.** If any Owner of such Offal or other Thing acts in contravention of this Act, *or of any Order of any Local Authority relating thereto*, he shall for every such Offence be liable, on summary Conviction, to a Penalty not exceeding Twenty Pounds, and to a further Penalty not exceeding Ten Pounds for every Half Ton in Weight of such Offal or other Thing after the First Half Ton. Penalty on Owner.

~~30.~~ **22.** It shall not be lawful ~~for the Owner or any other Person to dig up or exhume any Beast or any Part or Portion of any Beast that has been killed and buried by Order of the Inspector or any other competent Local Authority; any such Proceeding shall constitute an Offence punishable by the same Pains and Penalties as are imposed by this Act upon the Contravention or Disobedience to any of the lawful Orders of the Inspector or any other competent Authority~~ *to dig up or exhume any Animal, or any Part or Portion of any Animal, that has been affected by Cattle Plague, or killed or buried in pursuance of the Provisions of the Cattle Diseases Acts, or any of such Acts, or any Order made thereunder, and any Person acting in contravention of this Section shall be liable to a Penalty not exceeding Twenty Pounds.* Prohibiting Exhumation of buried Animals.

~~40.~~ **23.** ~~No Person shall at any Time turn out or allow to continue turned out on any Common or other undivided or unenclosed Land any diseased Beast.~~ Any Person wilfully driving or allowing any ~~Beast~~ *Animal* under his Charge to be driven or to stray into any Field sufficiently Diseased Animals not to be allowed to stray.

fenced, without Consent of the Owner or Occupier thereof, shall be ~~deemed to have moved such Beast in contravention of this Act~~ *liable to a Penalty not exceeding Twenty Pounds.*

Power for Cattle Owner to prevent Trespass on his Land.

~~38.~~ **24.** Where any Person, having any ~~Beast~~ *Animal* in his Possession or Keeping within the District of any Local Authority wherein the Cattle Plague exists, affixes at the Entrance to any Building or Land in or on which the ~~Beast~~ *Animal* is kept, a Notice forbidding Persons to enter into or on that Building or Land without his Permission, if any Person not having a Right of Entry or Way into, on, or over that Building or Land enters into, on, or over the same, or any Part thereof, in contravention of the Notice, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Disinfection of Cattle Pens, Trucks, and Boats of Railway Companies.

~~28.~~ **25.** Every Railway, *Tramway, Canal, or other* Company that carries Animals for Hire within any Part of Great Britain shall, before the Twenty-fifth Day of March next, thoroughly cleanse and disinfect all Cattle Pens, Trucks, and Boats belonging to such Company, and used for holding or carrying Animals, in the Manner which shall be directed by an Order made by the Board of Trade, which Order ~~they are~~ *the Board of Trade is* hereby empowered from Time to Time to make, vary, or revoke, or, in case of no such Order being made or being in force, by a Washing of Lime Water, ~~or some other efficient Means~~ *scraping and painting of every such Pen, Truck, or Boat, and the Floor of every such Pen, Truck, or Boat, if made of Wood, shall have the Joints carefully cleaned and filled with Tar or Asphaltum, and the Floor coated with Tar or Asphaltum;* and every such Pen, Truck, or Boat shall, on or before the said Twenty-fifth Day of March, be inspected by an Officer duly appointed in that Behalf in Writing under the Hand of the President or Vice President of the said Board of Trade, or by an Inspector duly authorized in that Behalf by the Local Authority having Jurisdiction in the Place where such Pen, Truck, or Boat is; and such Officer or Inspector shall, if satisfied that such Pen, Truck, or Boat has been properly cleansed and disinfected, certify to that Effect in Writing under his Hand, *and shall mark in Black or Red Paint upon the Side thereof the Date of such Certificate;* and, until such Certificate has been given, no Animal *or other Article* shall be placed in any such Pen, Truck, or Boat; and when such Certificate has been given in respect of any Pen, Truck, or Boat, such Company, on every Occasion after ~~when~~ any Animals *or other Articles* have been taken out of any such Pen, Truck, or Boat, and before any other Animals are placed therein, shall thoroughly cleanse

cleanse and disinfect ~~as aforesaid~~ every such Pen, Truck, or Boat, *and shall once in every Six Months at the least paint and tar the whole of such Pen, Truck, or Boat;* and if any Pen, Truck, or Boat shall at any Time be used in contravention of this Act, the Company to which such Pen, Truck, or Boat belongs, or by or on whose Behalf it is so used, shall be liable to a Penalty not exceeding Five Pounds for every Time which such Pen, Truck, or Boat is so used. *In this Section the Expressions "Cattle Truck, Pen, or Boat" shall include any Horse Box, Barge, or other Receptacle used for carrying Cattle.*

CLAUSE H. Watering Animals.

26. *Every Railway Company that carries Animals within any Part of Great Britain shall provide at its Terminal Stations sufficient Means for supplying the said Animals with Water to drink, and shall also provide such Means at Intervals of not more than One hundred Miles on its Railway from the Terminal Stations thereof, together with Wharves and Pens at such Intervals fit for the unlading of such Cattle and keeping them to be watered.*

When a Railway Company is by Lease or otherwise in possession of another Railway, and is working that other Railway continuously with its own Railway, the Two Railways shall for the Purposes of this Enactment be considered as One continuous Railway, and the said Railway Company shall provide such Means as aforesaid at Intervals of not more than One hundred Miles from the Terminal Stations of the Railway so worked continuously.

Every such Railway Company shall afford all reasonable Facilities for unloading and reloading the said Animals, giving them fresh Water, and forwarding them by the next convenient Train.

Inspection of Cattle Sheds in Burghs.

~~43.~~ **27.** The Magistrates of ~~Boroughs~~ *Burghs* in Scotland shall have Power to require all Cowhouses and Cattle Sheds within ~~Boroughs~~ *Burghs* to be inspected by an Officer appointed by them, and, if found to be suitable for such Purpose, to be licensed by them; and the Magistrates shall likewise have Power to make Rules and Regulations for the proper sanitary Condition of the same, and to fix and determine in each Licence the Number of Cattle which may be kept in each such Cowhouse or Cattle Shed; and if any Person shall keep any Cattle within any ~~Borough~~ *Burgh* without such Inspection and Licence, or shall violate any of the Conditions of such Licence, or any of the Rules and Regulations made by the Magistrates, he shall, on Conviction before any Two of them, be subjected to a Penalty not exceeding Five Pounds for each such Offence.

 ~~44.~~ **28. In**

Inspection of Cattle Sheds in populous Places.

~~44.~~ **28.** In the Case of Burghs and populous Places in Scotland which have adopted the whole or Portions of "The Police and Improvement, Scotland, Act, 1862," the Commissioners under the said Act shall have Power to require all Cowhouses and Cattle Sheds within such Burghs or populous Places to be inspected by an Officer appointed by them, and, if found to be suitable for such Purpose, to be licensed by them; and the Commissioners shall likewise have Power to make Rules and Regulations for the proper sanitary Condition of the same, and to fix and determine in each Licence the Number of Cattle which may be kept in each such Cowhouse or Cattle Shed; and if any Person shall keep any Cattle within any Burgh or populous Place without such Inspection and Licence, or shall violate any of the Conditions of such Licence, or any of the Rules and Regulations made by the Commissioners, he shall, on Conviction before the Sheriff or any Two Justices, be subjected to a Penalty not exceeding Five Pounds for each such Offence.

Officers of Customs may seize diseased Meat.

~~52.~~ **29.** From and after the passing of this Act whenever any *Animals or* Meat shall be imported or brought into the United Kingdom it shall be lawful for any Officer or Officers of Customs, either on board the importing Vessel or after such *Animals or* Meat may have been unshipped or landed, to examine the same in any Manner he may deem fit, for the Purpose of ascertaining whether such *Animals or* Meat ~~is~~ *are* unfit for human Food, or likely to spread the Cattle Plague or other Disease; and if upon such Examination such *Animals or* Meat shall be found unfit for human Food, or likely to spread the Cattle Plague or other Disease, then and in every such Case all or any of such *Animals or* Meat, *and the Articles in which the same are packed*, shall be forfeited, and shall and may be seized by any Officer or Officers of Customs, and destroyed or otherwise disposed of in such Manner as the Commissioners of Customs may direct.

Clause N. As to Discrepancy between Number of Animals on board Ship as compared with Bill of Lading or Manifest.

30. *If on the Arrival of any Ship or Vessel at any Port in Great Britain there shall appear a Discrepancy between the Number of Animals on board and that stated in the Bill of Lading or Manifest, then it shall be lawful for the Local Authority of the Port, or for any Inspector or other Officer duly appointed, or for any Officer or Officers of Customs, to inquire into such Discrepancy, and, if thought fit, to detain and kill such Animals.*

Powers of Privy Council.

Clause I. Power of Privy Council to alter

31. *It is hereby declared that the said Privy Council were authorized to issue and renew under the Provisions of the said Act of*

of the Session of the Eleventh and Twelfth Years of Her Majesty, Chapter One hundred and seven, all such Orders as they have hitherto issued or renewed in relation to the Cattle Plague, and are authorized from Time to Time hereafter to issue and renew any Orders and Regulations which they may deem expedient with a view to prevent the spreading of the Cattle Plague or any other Disease referred to in the said Act, and are further authorized to delegate to any Local Authority, either wholly or partially, with or without Restrictions and Conditions, any Powers of making Orders or doing other Acts hereby declared to be exerciseable by the said Privy Council. or renew Orders.

CLAUSE K.

32. *It shall be lawful for the Lords of Her Majesty's Privy Council from Time to Time to require all Persons in Great Britain or any Part thereof to make Returns of the Number and Descriptions of Animals in their respective Possession or Keeping in such Manner and Form as the Lords of Her Majesty's Privy Council from Time to Time think expedient, and it shall be the Duty of all Persons so required to make such Returns accordingly.* Power for Privy Council to require statistical Returns of Cattle.

~~42.~~ **33.** Any Person appointed *or to be appointed* by the ~~Lords of Her Majesty's~~ Privy Council to be a Cattle Inspector for the Purposes of ~~this Act and~~ the Cattle Diseases ~~Prevention Act, 1866,~~ *Acts, or either of them, or any Order made thereunder*, shall have, *within the District of any Local Authority* throughout Great Britain, all the Powers given ~~by~~ *under* the Cattle Diseases Prevention Act, 1866, to an Inspector appointed by a Local Authority within its District. Powers of General Inspector.

~~50.~~ **34.** Whenever any Order of Her Majesty in Council or of the Lords of Her Majesty's Most Honourable Privy Council is required to be published in One or more Newspapers circulating in any District, such Publication shall be made under the Direction and at the Cost of the Local Authority. Publication of Orders to be made at Expense of Local Authority.

Penalties, &c.

~~35.~~ **35.** Any Penalty recovered under this Act in a County shall be applied as follows; namely, one Half thereof shall be paid to the Informer, and the other Half thereof shall be paid to the Treasurer of the County, and shall be by him placed to the Credit of the County Rate. Application of Penalties.

~~General Provisions relating to Cattle.~~

~~14.~~ **36.** If any Person ~~knowingly and wilfully~~ moves *or causes or procures to be moved* any ~~live Beast~~ *Animal or Thing* in contravention Penalty for moving contrary to Act.

tion of ~~this Act~~ *any Provision of the Cattle Diseases Acts or any of them, or of any Order of Her Majesty in Council, or of the Privy Council, made or to be made before or after the passing of this Act in pursuance of the said Acts or any of them, or of any Notice published or to be published or Order made or to be made by any Local Authority in pursuance of any Order of Her Majesty in Council or of the Privy Council, or of the said Acts or any of them,* he shall for every such Offence be liable, on summary Conviction, to the following Penalty; namely, where the Offence is committed with respect to not more than Four ~~Beasts~~ *Animals* to a Penalty not exceeding Twenty Pounds, and where the Offence is committed with respect to more than Four ~~Beasts~~ *Animals* then to a Penalty not exceeding Five Pounds for each ~~Beast~~ *Animal instead of the Penalty of Twenty Pounds.*

CLAUSE F.
Power for Constables to stop Beasts on Highway, &c.

37. *Any Constable or Police Officer may stop and detain any Animal moved or which he has good Cause to suspect is being moved in contravention of any Provisions of the Cattle Diseases Acts or any of them, or of any Order of Her Majesty in Council, or of the Privy Council, made or to be made before or after the passing of this Act in pursuance of the said Acts or any of them, or of any Notice published or Order made by any Local Authority in pursuance of any such Order of the Privy Council, or of the said Acts or any of them, and may without Warrant apprehend the Driver or Person in charge of such Animal, and such Driver or Person shall be taken as soon as may be before One Justice who shall examine into the alleged Offence, and adjudicate thereon in a summary Manner; but any Animal or Person detained or apprehended under this Enactment shall not be detained by any Constable or other Police Officer of his own Authority longer than is necessary for obtaining the Order of the Justice; and the Constable or other Police Officer so detaining any Animal shall cause it to be supplied with requisite Food and Water during its Detention; and any Expenses incurred by such Officer in respect of any Animal may be recovered in a summary Manner from the Person in charge, or from the Owner of the Animal.*

Power for Justices to order Beast to be killed, &c.

~~17.~~ **38.** Where any live ~~Beast~~ *Animal* is detained under this Act, and the Owner *or Person in charge* of the ~~Beast~~ *Animal* is convicted of an Offence against this Act in relation thereto, ~~Two Justices~~ *One Justice* may, if it appears to ~~them~~ *him* that the ~~Beast~~ *Animal* was ~~when stopped~~ being moved in contravention of this Act, *and that it is advisable to destroy the same for the Purpose of preventing the Spread of the Cattle Plague,* order it to be slaughtered, and its Carcase to be sold, buried, or otherwise disposed of as ~~they~~ *he* think

think fit, *and in such Case the Owner of such Animal shall not be entitled to any Compensation for the Slaughter thereof.*

The Proceeds of any such Sale shall be paid under the Order of ~~Two Justices~~ *One Justice* in England to the Treasurer of the County or Borough, and shall be placed in a County to the Credit of the County Rate, and in a Borough to the Credit of the Borough Fund, and in Scotland to the Clerk of the Local Authority.

Penalty for Refusal to produce Licence.

~~33.~~ **39.** If any Person having charge of any ~~Beast,~~ Animal or Thing being moved on a Highway, Railway, *Tramway*, Canal, Navigation, or River, for the moving whereof a Licence is requisite under ~~this Act,~~ *the said Cattle Diseases Acts or any of them, or any Notice, Order, or Regulation made in pursuance of or for the Purpose of carrying into effect the said Acts or any of them*, on being required by any ~~Person,~~ *Constable, Police Officer, Inspector, or other Officer appointed by the Privy Council, or by a Local Authority, under the Cattle Diseases Acts, or any of them, or under any Order of Her Majesty in Council, or of the Privy Council* to produce the Licence (if any) for the moving of that ~~Beast~~, Animal or Thing, fails so to do, he shall for every such Offence be liable, on summary Conviction before a Justice, to a Penalty not exceeding Ten Pounds.

Penalty for false Declaration.

~~34.~~ **40.** If any Person knowingly and wilfully makes any false Statement in any Certificate or Declaration under ~~this Act,~~ *the said Cattle Diseases Acts or any of them, or any Notice, Order, or Regulation made in pursuance of or for the Purpose of carrying into effect the said Acts or any of them*, he shall for every such Offence be liable, on summary Conviction before Two Justices, to a Penalty not exceeding Fifty Pounds, or, in the Discretion of the Justices, to be imprisoned for any Term not exceeding Two Months, with or without Hard Labour.

CLAUSE O.

Justice may cause Employer to be summoned in certain Cases.

41. *If it shall appear that a Person charged with any Offence against any Provision of the Cattle Diseases Acts or any of them, or of any Order of Her Majesty in Council or of the Privy Council made or to be made before or after the passing of this Act in pursuance of the said Acts or any of them, or of any Notice published or to be published, or Order made or to be made, by any Local Authority in pursuance of any Order of Her Majesty in Council or of the Privy Council, or of the said Acts or any of them, has been acting under the Order of his Employer, it shall be in the Power of the Justice before whom he is brought to direct the Employer to be summoned, and if the Fact is proved to impose the Penalty on the Employer instead of on the Person who has acted under his Orders.*

 ~~51.~~ **42.** Any

Evidence of Orders.

51. **42.** Any Order of Her Majesty in Council, and any Order of the ~~Lords of Her Majesty's Most Honourable~~ Privy Council, relating to the Cattle Plague, whether made before or after the passing of this Act, may, at all Times after the passing of this Act, be proved by the Production of a Copy of the Gazette *or of any Newspaper* containing such Order, or by the Production of a Copy of any such Order purporting to be printed by the Printers of Her Majesty: all Orders, Regulations, and Notices in relation to the Cattle Plague, whether issued before or after the passing of this Act, by any Authority other than Her Majesty in Council or the ~~Lords of the~~ said Privy Council, may be proved in any of the Modes herein-after mentioned:

First, by the Production of a Copy of a Newspaper containing a Copy of such Order, Regulation, or Notice; or,

Secondly, by the Production of a printed Copy of such Order, Regulation, or Notice, certified to be a true Copy by the Clerk of the Peace where the Authority are Justices in General or Quarter Sessions assembled, or by the Town Clerk or other Officer performing the Duties of a Town Clerk in the Case of an Authority having a Town Clerk or other Officer as aforesaid; or,

Thirdly, by the Production of a printed Copy of such Order, Regulation, or Notice, sealed with the Corporate Seal where the Authority has a Seal:

And any Order, Regulation, or Notice mentioned in this Section shall, until the contrary is proved, be deemed to have been duly made and issued at the Time at which it bears Date.

Clause L. Local Authority to supply Forms.

43. *The Local Authority may provide and supply without Charge to all Persons requiring the same printed Copies of the Forms requisite for the Purposes of the Cattle Diseases Acts or any of them, except Statistical Returns required by the Privy Council.*

Hours for Use of Licences as to Highways.

~~51. 44. Any Licence under this Act for the moving of any live Beast, Animal, or Thing shall, with respect to the moving thereof on any public Highway, be available only from the Beginning of One Hour before Sunrise to the End of One Hour after Sunset.~~

~~Any such Licence shall be available only for a Time to be specified therein, and which shall in no Case exceed Eight Days, including the Day of the granting thereof.~~

~~Every such Licence shall specify the Route to be taken and the Name of the Driver or other Person who is to have charge of the Beast, Animal, or Thing to which the Licence relates.~~

~~Any such Licence shall not be available for the Movement of any Animal or Thing on a Highway beyond the Limits of the District of the Local Authority~~

~~Authority within which it is granted, unless and until it is countersigned by the Local Authority of each District within which it is used, or by some Officer or Person authorized by them in that Behalf.~~

~~Any Certificate, Declaration, and Licence under this Act may include more Beasts or Animals than One, each being separately described.~~

~~Any Declaration under this Act required to be made respecting any Beast may be made either by the Owner of the Beast, or by his Bailiff, Foreman, Factor, or Grieve authorized in that Behalf.~~

No Stamp Duty shall be payable on, and no Fee or other Charge shall be demanded or made for, any Certificate, Declaration, or Licence under this Act. Stamp Duty and Fees not to be paid on Certificates.

~~53.~~ **45.** Except with respect to Expenses incurred by Officers appointed by the Lords of Her Majesty's Privy Council, or appointed by the President or Vice-President of the Board of Trade, the Expenses of the Execution of this Act shall be defrayed as the Expenses incurred by the Local Authority under "The Cattle Diseases Prevention Act, 1866," are to be defrayed. Expenses of Execution of Act.

CLAUSE M.

46. *This Act shall continue in force until the First Day of June One thousand eight hundred and sixty-seven, and until the End of the then Session of Parliament, and no longer.* Duration of Act.

~~3. In this Act~~ Interpretation.

~~The Term "Parish" includes a Township or an extra-parochial Place separately maintaining its own Poor:~~

~~The Term "Justice" means a Justice of the Peace for the County or Place where the Matter requiring the Cognizance of a Justice arises and not interested in the Matter:~~

~~The Term "Two Justices" means Two or more Justices assembled and acting together:~~

~~The Term "River" means a River or any Part of a River not navigable for Sea-going Vessels; and any Part of a River so navigable shall be deemed Sea:~~

~~The Term "Railway" includes Tramway:~~

~~The Term "Railway Company" includes any Company or Persons being Proprietors or Lessees of or working a Railway:~~

~~The Term "public Highway" does not include Footpath or Bridleway in enclosed Land, and does not include an unfenced Road passing through a Field, as far as regards a Beast in the Possession or Keeping of the Occupier of that Field and depasturing therein, but includes an Occupation Road used in common by the several Occupiers of distinct Farms or Holdings, but so that any such Road be not deemed a Highway with reference to any One of those Farms or Holdings where and as far as~~

as it lies within the Limits of that Farm or Holding; and in Scotland means any Turnpike, Statute Labour, Parish, or Drove Road:

In this Act the following Terms have the same Meaning as in "The Cattle Diseases Prevention Act, 1866," namely, "Person," "Animal," "Cattle Plague," "Municipal Borough," "Borough," "a Burgh," "County," "District," and "Local Authority;" the Term "Beast" has the same Meaning as the Term "Cattle" has in that Act; and the Term "Inspector" means an Inspector acting in the Execution of that Act for the District within which a Matter requiring the Intervention of an Inspector arises.

What Beasts to be deemed sound, and what diseased.

4. For the Purposes of this Act, a Beast shall be deemed sound if and when it is not affected with the Cattle Plague, and has not, within Thirty Days, been in contact with any Animal so affected, and has not, within Thirty Days, been in or on any Building, Yard, Field, Boat, or Vessel where any Animal so affected had been kept, unless that Building, Yard, Field, Boat, or Vessel had been effectually cleansed and disinfected at least Thirty Days previously to the Beast being placed in or on the same, and any Beast not sound shall be deemed diseased.

Prohibition of Movement of Cattle, with Exceptions.

General Prohibition of Movement of Cattle.

5. From the First Day of March until the Twenty fourth Day of March One thousand eight hundred and sixty six, both inclusive, it shall not be lawful for any Person (except as in this Act expressly authorized) to move or cause to be moved any live Beast on any public Highway, or on any Canal, Navigation, or River: Provided nevertheless, that nothing in this Act contained shall prevent the Removal of live Beasts within any District which the Lords of Her Majesty's Privy Council shall, by Order in Council, declare to be free from Cattle Plague, such District having well defined Boundaries; provided also, that such Order may from Time to Time be varied or revoked; provided that it shall be lawful for the Local Authority having Jurisdiction within the District so exempted as aforesaid, by Order to be published in such Manner as may seem fit to such Local Authority, to prohibit altogether or to impose Restrictions or Conditions on the Introduction of Beasts into its District, and also on the Removal of Beasts from Place to Place within its District; provided also, that it shall be lawful for any Local Authority to proclaim, by Notice in such Manner as it shall deem expedient, any Part of its District as an infected District, and from the Date of such Proclamation to suspend within such District the Effect of any Licence which may be granted under this Act, and not expired at the Time of such Proclamation.

Exceptions.

Exception for Movement where separate

6. Where separate Buildings, Yards, or Lands are in the Occupation of the same Person, any live Beasts, if sound, may, notwithstanding anything in

in this Act, for the Purpose of being taken from one of those Buildings, Yards, or Lands to another, be at any Time moved on any public Highway for any Distance not exceeding Two hundred Yards, and with a Licence for any longer Distance, and until such Licence shall be revoked, provided that such Distance shall not exceed Two Miles. Lands in same Occupation.

7. Any live Beast, if sound, may, in England, notwithstanding anything in this Act, be at any Time moved, with a Licence, on any public Highway for any Distance not exceeding Six Miles, for the Purpose of immediate Slaughter at a Slaughter-house. Exception for Beasts going to Slaughter-house under Act.

8. Any live Beast, if sound, may, in Scotland, notwithstanding anything in this Act, be moved, with a Licence, under such Conditions as the Local Authority may prescribe, on any public Highway, for the Purpose of immediate Slaughter at a Slaughter-house. Exception for Beasts for Slaughteri Scotland.

9. Any Milch Cow, if sound, may, notwithstanding anything in this Act, be at any Time moved, with a Licence, on any public Highway for any Distance, in a covered Van, for the Purpose of being placed on board a Vessel Outward Bound. Exception for Milch Cows for Ships.

10. In order to allow for the Breeding of Stock, a Cow or Heifer, if sound, may, notwithstanding anything in this Act, be moved with a Breeding Licence on any public Highway for any Distance not exceeding Six Miles to and from any Place where a Bull is kept. Exception for Breeding.

A Bull, if sound, may, notwithstanding anything in this Act be moved with a Breeding Licence on any public Highway, for any Distance not exceeding Twenty Miles, to any Place where any Cow or Heifer in the Possession or keeping of the Owner or Hirer of the Bull is kept.

11. Any Calf, if sound, not being more than Twenty one Days old, may, notwithstanding anything in this Act, be moved, with a Licence, on any public Highway in a Cart or other Vehicle, from the Place where it is dropped to any other Place not more than Ten Miles therefrom, on a Purchase of the same by the Occupier of the Place to which it is removed, for any Distance not exceeding Twenty Miles. Exception for Calves.

12. Any live Beast landed from a Vessel at any Port, if sound, may, notwithstanding anything in this Act, be moved on a public Highway within the Limits of the Metropolis, or any Borough, as defined by "The Cattle Diseases Prevention Act, 1866," subject to the Provisions of Clause 17 of that Act; and Beasts landed at the Port of Leith may be moved by the direct Route thence to the public Slaughter-house in Edinburgh, and at the Port of Bristol to any licensed Slaughter-house, or to any Lair or Yard adjacent to such a Slaughter-house, within the Jurisdiction of the Mayor and Exception for Beasts imported.

Corporation of Bristol: Provided also, that nothing herein contained shall interfere with the moving of sound Beasts for immediate Slaughter from the Docks of Liverpool to the Stanley Market, and to the Lairs on the Road to the same, and back from the Market to the Borough, or from the Borough across the River Mersey to the licensed Slaughter houses in Birkenhead, all such Beasts being moved with a Licence from the Local Authority.

Licence, how to be obtained.

13. Where under this Act a Licence for the moving of a live Beast is requisite, the same shall be obtained as follows, namely,—the Person desiring to move the Beast shall obtain from such Person or Persons as shall be appointed by the Local Authority a Certificate of the Soundness of the Beast and of the Purpose of the intended Movement, and shall produce the same to a Justice, and shall make and sign before the Justice a Declaration to the same Effect, and thereupon the Justice, unless he sees good Cause to the contrary, shall grant a Licence for the Movement of the Beast accordingly.

In case of a Breeding Licence for the moving of a Cow or Heifer the Certificate and Declaration shall extend also to the Fact of the Bull being sound, and in case of a Breeding Licence for the moving of a Bull the Certificate and Declaration shall extend also to the Fact of the Cows and Heifers kept at the Place to which the Bull is to be moved being sound.

Presumption against Person moving.

15. Where any Person is charged before a Justice of the Peace with having moved a live Beast on a Public Highway, and the Fact of moving is proved to the Satisfaction of the Justice, it shall be presumed that it has been so moved in contravention of this Act until the contrary is shown.

Power for Constables to stop Beasts on Highway, &c.

16. Any Constable or other Peace Officer may stop and detain any live Beast being moved in his View along any public Highway which he has good Cause to suspect is being so moved in contravention of this Act, and may without Warrant apprehend the Driver or Person in charge of the Beast, unless such Driver or Person shall produce a Licence authorizing him to move such Beast, and such Driver or Person shall be taken as soon as may be before a Justice to be examined and dealt with according to Law; but any Beast or Person detained or apprehended under this Enactment shall not be detained by any Constable or other Peace Officer of his own Authority longer than is necessary for obtaining the Order of a Justice in the Matter, or longer than Forty eight Hours at the utmost; and the Constable or other Peace Officer so detaining any Beast shall cause it to be supplied with requisite Food and Water during its Detention.

Movement on Highways.

19. No raw or untanned Hides of Beasts, and no Horns or Hoofs of Beasts, shall be moved on any Highway, except subject and according to the following Provisions:

(1.) Any such Hides, Horns, or Hoofs may be moved as freely as if this Act had not been passed on any Street or Road passing through a Town,

Town, or through Lands continuously built upon on both Sides, except at any Point where such Street or Road passes by any Building other than a Slaughter-house, or any Yard or Land where Beasts are kept:

(2.) Any such Hides, Horns, or Hoofs may be moved on any Highway if they are effectually covered, or if they have been limed for any manufacturing Purpose:

(3.) Any such Hide, Horns, or Hoofs of any Beast may be moved on any public Highway with a Licence to be obtained as follows; namely, the Person desiring to move the same, or his Agent in that Behalf authorized, shall obtain from the Inspector of the District in which the Beast was kept a Certificate either that the Beast had not been itself affected with the Cattle Plague, and that its Hide or Horns and Hoofs (as the Case may be) had been effectually disinfected, or else that the Beast was sound, and shall produce that Certificate to a Justice, and shall make and sign before the Justice a Declaration to the same Effect, and thereupon the Justice, unless he sees good Cause to the contrary, shall grant a Licence for the moving of the Hide, Horns, or Hoofs (as the Case may be) accordingly.

Sheepskins not to be moved with Hides.

21. No Sheepskin (except after being limed for a manufacturing Purpose) shall be moved in the same Vehicle with or in contact with any raw or untanned Hides, or any Horns or Hoofs of Beasts (whether imported as aforesaid or not).

Sheepskins not to be moved from infected Buildings.

22. No Sheepskin shall be moved from any Building or Yard where any Beast affected with the Cattle Plague has been kept, unless that Building or Yard was effectually cleansed and disinfected Thirty Days at least before the Skin, or the Sheep from which it was taken, was placed therein, or unless such Skin shall have been limed for a manufacturing Purpose, or shall have been effectually disinfected under the Superintendence of the Inspector, and he has so certified.

Penalty on Driver, Company, &c.

26. If any Person other than the Owner as aforesaid knowingly and wilfully acts in contravention of this Act with regard to any such Offal or other Thing, he shall for every such Offence be liable, on summary Conviction, to a Penalty not exceeding Twenty Pounds.

Licences in Metropolis.

32. In the Metropolis (that is to say, all Parishes and Places in which the Metropolitan Board of Works have Power to levy a Main Drainage Rate, with the Exception of the City of London and the Liberties thereof,) any Licence under this Act shall be granted by the Commissioner of Police of the Metropolis instead of a Justice, and this Act shall be construed accordingly.

Instruments to be in Writing, &c.

36. Any Certificate, Declaration, Licence, or other Instrument required under this Act may be in Writing or Print, or partly in Writing and partly in Print.

Forms in Schedule.

37. The Forms given in the Schedule to this Act, with such Variations or Additions as Circumstances require, shall be used for the respective Purposes in the Schedule indicated, and according to the Directions therein contained.

Procedure, &c.

48 Sections Twenty nine to Thirty one, both inclusive, of "The Cattle Diseases Act, 1866," are hereby incorporated with this Act, and this Act shall have Effect as if those Sections were here repeated and expressly made applicable to this Act; and the Term "Penalty" in the said Section Thirty one shall, for the Purposes of this Act, be taken to include Punishment by Imprisonment.

Issue and Renewal of Orders and Regulations of Council.

49. Notwithstanding the passing of this Act, it shall be lawful for the Lords of Her Majesty's Privy Council to issue, and to renew from Time to Time, all or any such Orders and Regulations as by the Act Eleventh and Twelfth Victoria, Chapter One hundred and seven, and subsequent Acts relating thereto, they are now empowered to issue, which may not be inconsistent with the Provisions of this Act, or of "The Cattle Diseases Prevention Act, 1866."

Duration of Act.

54. Except as is in this Act otherwise expressly provided, this Act shall have the same Duration as "The Cattle Diseases Prevention Act, 1866," unless this Act as to all or any of its Provisions in respect of the whole or any Part of Great Britain shall be determined by an Order of the Lords of Her Majesty's Privy Council; and in case of the Determination of any such Provision, the Lords of Her Majesty's Privy Council shall have Power, by Order, to renew the same for the whole or any Part of Great Britain.

The

The SCHEDULE.

Certificate for Movement.

Cattle Plague Act, 1866.

I A. B. of in the County of being a Person appointed in this Behalf by the Local Authority, hereby certify, to the best of my Judgment and Belief, That the Beast described in the Schedule to this Certificate is sound within the Meaning of the above-mentioned Act, and that the Purpose of the intended Movement for which this Certificate is given is truly stated in the same Schedule, that I believe that no Case of Cattle Plague has occurred within One Mile of the Farm of the said [Applicant] during the last Calendar Month.

Dated the Day of 186 .

(Signed) A. B.

Schedule.

Description of Beast.	Name and Address of Person having the Beast in his Possession or Keeping.	Purpose of intended Movement.

Declaration of Cattle Owner

[to be endorsed on the foregoing Certificate].

Cattle Plague Act, 1866.

I C. D. of hereby declare, That I am the Person described in the Schedule to the within-written Certificate, and that the Beast therein described is in my Possession or Keeping as Owner thereof [or as the Case may be], and that I am desirous of moving it for the Purpose therein stated, and for no other Purpose, and that, to the best of my Judgment and Belief, the Beast is sound within the Meaning of the above-mentioned Act, that I believe that no Case of Cattle Plague has occurred within One Mile of the Farm of the said [Applicant] during the last Calendar Month.

Dated this Day of 186 .

(Signed) C. D.

Before me, E. F.

[Signature of Justice.]

Form of Licence.

Cattle Plague Act, 1866.

I E.F. of in the County of a Justice of the Peace for the said County, on reading the Certificate of A.B. of now produced, and on receiving the Declaration of C.D. of now made and signed before me, respectively appearing to me to relate to the Beast described in the Schedule to this Licence, do, by virtue of the above-mentioned Act, hereby grant to the said C.D. this Licence to move the said Beast for the Purpose by the Route and under the Charge of the Person in the said Schedule described, and subject and according to the Conditions and Provisions of the said Act.

Dated this Day of 186 .

(Signed) E.F.

Schedule.

Description of Beast.	Name and Address of Person having the Beast in his Possession or Keeping.	Purpose of intended Movement.	Route to be taken.	Name and Address of Driver or other Person having charge of the Beast.

Note.—This Licence is available only for Days, including the Day of its Date.

This Licence is available only from the Beginning of One Hour before Sunrise to the End of One Hour after Sunset.

Schedule.

Certificate of Origin.

We hereby certify that to be removed by you from for Delivery to are directly imported into the United Kingdom from and are therefore exempt from the Restrictions respecting the Transit of Hides, Skins, &c., contained in "The Cattle Plague Act, 1866."

To

[To be signed by the Owner or his Agent.]

Cattle Plague.

A

BILL

[AS AMENDED BY THE LORDS]

INTITULED

An Act to check the Spread of the Cattle Plague in Great Britain.

Ordered, by The House of Commons, *to be Printed*, 8 *March* 1866.

[Bill 55.]

Under 3 *oz.*

A

B I L L

TO

Regulate the Inspection of Cattle Sheds, Cowhouses, and Byres within Burghs and populous Places in Scotland.

WHEREAS it is expedient to make more effectual Provision for regulating the Inspection of Cattle Sheds and Cowhouses and Byres within Burghs and populous Places in Scotland: Preamble.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited as "The Cattle Sheds in Burghs (Scotland) Act, 1866." Short Title.

2. The Magistrates of Burghs in Scotland shall have Power to require all Cattle Sheds and Cowhouses and Byres within their Burghs to be inspected by an Officer appointed by them, and, if found to be suitable for such Purpose, to be licensed by them; and the Magistrates shall likewise have Power, from Time to Time, to make Rules and Regulations for the proper sanitary Condition of the same, and to fix and determine in each Licence the Number of Inspection of Cattle Sheds in Burghs.

Cattle which may be kept in each such Cattle Shed or Cowhouse or Byre; and if any Person shall keep any Cattle within any Burgh without such Inspection and Licence, or shall violate any of the Conditions of such Licence, or of any of the Rules and Regulations made by the Magistrates, he shall, on Conviction before any Two of them, be subjected to a Penalty not exceeding *Five Pounds* for each such Offence, and a *like Penalty* for every Day after the Conviction for such Offence upon which such Offence is continued.

Inspection of Cattle Sheds in populous Places.

3. In the Case of Burghs and populous Places in Scotland which have adopted the whole or Portions of "The Police and Improvement, Scotland, Act, 1862," the Commissioners under the said Act shall have Power to require all Cattle Sheds and Cowhouses and Byres within such Burghs or populous Places to be inspected by an Officer appointed by them, and, if found to be suitable for such Purpose, to be licensed by them; and the Commissioners shall likewise have Power, from Time to Time, to make Rules and Regulations for the proper sanitary Condition of the same, and to fix and determine in each Licence the Number of Cattle which may be kept in each such Cattle Shed or Cowhouse or Byre; and if any Person shall keep any Cattle within any Burgh or populous Place without such Inspection and Licence, or shall violate any of the Conditions of such Licence, or any of the Rules and Regulations made by the Commissioners, he shall, on Conviction before the Sheriff or any Two Justices, be subjected to a Penalty not exceeding *Five Pounds* for each such Offence, and a *like Penalty* for every Day after the Conviction for such Offence upon which such Offence is continued.

Licence for Cattle Sheds and Cowhouses may be suspended in addition to Penalty imposed.

4. The Magistrates, Sheriff, or Justices before whom any Person is convicted of Non-observance of any of the Regulations made by virtue of this Act may, as often as they shall see Cause, in addition to the Penalty imposed on such Person under the Authority of this Act, suspend, for any Period not exceeding *One Month*, the Licence granted to such Person under this Act; and such Magistrates, Sheriff, or Justices may, upon the Conviction of any Person for a Second or other subsequent like Offence, in addition to the Penalty imposed under the Authority of this Act, declare the Licence granted under this Act revoked; and whenever the Licence of any such Person is revoked as aforesaid, the Magistrates or the Commissioners may refuse to grant any Licence whatsoever to the Person whose Licence has been so revoked.

Extent of Act.

5. This Act shall apply only to Scotland.

Commencement of Act.

6. This Act shall come into force on the *Fifteenth Day of May One thousand eight hundred and sixty-six.*

Cattle Sheds in Burghs (Scotland).

A

BILL

To regulate the Inspection of Cattle Sheds, Cowhouses, and Byres within Burghs and populous Places in Scotland.

(*Prepared and brought in by Mr. Waldegrave Leslie, Mr. M'Laren, Sir Graham Montgomery, and Mr. M'Lagan.*)

Ordered, by The House of Commons, *to be Printed*, 15 *March* 1866.

[Bill 72.]

Under 1 *oz.*

Charitable Donations and Bequests (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clauses.		Sections of 16 & 17 Vict. c. 137.
1.	Construction of Acts.	
	As to Alteration in Constitution of Board.	
2.	In addition to present Commissioners, Queen may appoint Two paid Commissioners. To be Barristers of Twelve Years standing. One a Roman Catholic.	
3.	Salaries.	
4.	Ex-officio Commissioners to be permitted to resign.	
5.	The Commissioners to be a Body Corporate. Three to be a Quorum.	
	Proposed Additional Powers.	
6.	To entertain Applications for Advice.	16
7.	To authorize the Removal of Officers.	22
8.	To accept voluntary Donations.	
9.	To enable other Trustees to deposit Title Deeds with Board.	53
10.	To apply the Cy pres Doctrine to Funds vested in Board, as Occasion may require, 40 Geo. 3. c. 75.	
11.	To sanction Compromise of Claims of Charity Funds.	23
12.	To be allowed Examination of and be furnished with Copies of Records.	11
	As to Legal Proceedings.	
13.	Notice of legal Proceedings as to any Charity, by any Person except Attorney General, to be given to Board.	17
14.	Board may on Inquiry authorize Proceedings where no Notice given.	18
15.	Saving for Attorney General ex-officio.	19
	Leases and General Management of Land.	
16.	Board may sanction Leases for building, working Mines, doing Repairs, &c., and may authorize the Application of Charity Funds or the raising of Money for that Purpose.	21
17.	Under special Circumstances may authorize Sale or Exchange of Charity Lands.	24

Clauses.		Sections of 16 & 17 Vict. c. 137.
18.	May authorize Redemption of Rentcharges.	25
19.	Leases, &c. so authorized by Board to be valid.	26
20.	Board or other Trustees may purchase Sites for building.	27
	VESTING AND DIVESTING OF CHARITY ESTATES.	
21.	Secretary to be Official Trustee of Charity Lands, and for such Purposes a Corporation Sole.	47
22.	Lands holden on trust for Charity, subject to Jurisdiction of Chancery, may be vested in Secretary.	48
23.	Secretary as such Official Trustee to be a bare Trustee.	50
24.	Orders may be made revesting Land, &c. in Trustees of Charity.	49
	STOCKS AND SHARES.	
25.	Judge in any Order, Trustees of Stock, and belonging to Charity, to transfer same to Official Trustee.	48
26.	Separate Accounts to be kept.	
27.	Interpretation of Terms.	
28.	Act to extend to Ireland only.	
29.	Short Title of Act.	

A

B I L L

TO

Amend the Law relating to Charitable Donations and Bequests in Ireland.

WHEREAS it is expedient to extend and amend an Act passed in the Session held in the Seventh and Eighth Years of Her present Majesty, intituled "An Act for the "more effectual Application of Charitable Donations and Bequests "in Ireland:" Preamble.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of same, as follows:

1. That the said "Act for the more effectual Application of "Charitable Donations and Bequests in Ireland (1844)," hereinafter called the Principal Act, and this Act, shall be construed together as One Act, and any of the Provisions of the Principal Act inconsistent with this Act are hereby repealed. 7 & 8 Vict. c. 97. and this Act to be construed as One Act.

2. In addition to the Commissioners appointed by the Principal Act, or in pursuance of its Provisions, it shall be lawful for the Lord Lieutenant or other Chief Governors of Ireland, with the Consent and Approbation of Her Majesty's Treasury, to appoint Two paid Commissioners, and upon any Vacancy, by the Death, Resignation, or Removal of any such paid Commissioner, from Two paid Commissioners to be appointed.

Time to Time in like Manner to appoint another Person to succeed to such Vacancy; and such paid Commissioners shall be Barristers-at-Law, of not less than Twelve Years Standing at the Time of their respective Appointments, and shall be disqualified from practising as Barristers while in Office, and shall hold Office during good Behaviour; and One of such paid Commissioners, and One only, shall be a Person professing the Roman Catholic Religion; and the present Secretaries shall be the first Two such paid Commissioners.

To be Barristers of Twelve Years Standing, and One a Roman Catholic.

Salaries.

3. *There shall be paid to each of the said Two Commissioners such Salaries, not exceeding the annual Sum of Pounds, and to the Accountant of the Board, who henceforward shall be deemed to be and be styled "Secretary and Accountant," such Salary not exceeding the annual Sum of Pounds, as shall from Time to Time be directed by the Lord Lieutenant or other Chief Governors of Ireland, with the Consent and Approbation of Her Majesty's Treasury; and such Salaries and Expenses shall be paid by the Commissioners of Her Majesty's Treasury out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.*

The ex-officio Commissioners permitted to resign.

4. It shall be lawful for each or any of the ex-officio Commissioners holding Office under the Provisions of the Principal Act to tender his Resignation to the Lord Lieutenant or Chief Governors of Ireland, who may in his or their Discretion accept such Resignation, and thereupon such ex-officio Commissioner shall cease to hold the Office of Commissioner, or to be a Member of the Board; and upon the Occurrence of any such Vacancy, it shall be lawful for Her Majesty in Council, by Warrant under the Sign Manual, to appoint in the Stead of such ex-officio Commissioner so resigning a fit and discreet Person to be a Commissioner and Member of the Board: Provided always, that no more than Two so appointed in the Room of ex-officio Commissioners shall hold Office at the same Time, and that One of such, and One only, shall be a Person professing the Roman Catholic Religion.

A Body Corporate, Three a Quorum.

5. Said paid Commissioners, together with the Commissioners appointed or to be appointed from Time to Time by or in pursuance of the Principal Act or of this present Act, shall form the One Body Politic and Corporate by said Act created, and called "The Commissioners of Charitable Donations and Bequests for Ireland;" and all Things which by this Act or by said Principal Act the said Commissioners are authorized to do may be done by Three of the said Commissioners assembled at a Board, whereof due Notice shall have

have been given to all the said Commissioners; and provided also, that One of the unpaid Commissioners shall be the Chairman of the Board for the Time being, according to the Form and Precedence by said above-recited Act directed.

Board to entertain Applications for their Opinion or Advice.

6. The said Board shall receive and consider all Applications which may be made to them by any Trustee or other Person having any Concern in the Management or Administration of any Charity, for their Opinion, Advice, or Direction respecting such Charity, or the Management or Administration thereof, or the Estate, Funds, Property, or Income thereof, or the Application thereof, or any Question or Dispute relating to the same respectively, and, if they so think fit, may, upon any such Application, give such Opinion or Advice as they may think expedient, subject to any judicial Order or Direction which may be subsequently made or given by any competent Court or Judge; and such Opinion or Advice shall be in Writing, signed by Two or more of the said Commissioners; and every Trustee and other Person who shall act upon or in accordance with the Opinion or Advice given by the said Board shall in respect of so acting be deemed and taken, so far as respects his own Responsibility, to have acted in accordance with his Trust; and no such judicial Order or Direction subsequently made or given by any Court or Judge shall have any such retrospective Effect as to interfere with or impair the Indemnity by this Act given to Trustees and other Persons who have acted upon or in accordance with such Opinion or Advice of the said Board: Provided always, that nothing herein contained shall extend to indemnify any Trustee or other Person for any Act done in accordance with the Opinion or Advice of the said Board, if such Trustee or other Person have been guilty of any Fraud or wilful Concealment or Misrepresentation in obtaining such Opinion or Advice.

Persons acting on Advice of Board to be indemnified.

Commissioners to authorize Trustees to remove Officers.

7. It shall be lawful for the Board, upon Proof to their Satisfaction that any Schoolmaster or Schoolmistress or other Officer of any Charity has been negligent in performing his or her Duties, or that he or she is unfit or incompetent to discharge them properly, either from immoral Conduct, Age, or any other Cause whatsoever, to empower the Trustees of such Charity to remove such Schoolmaster or Mistress or other Officer, and to charge the Salary of his or her Successors, or any other Portion of the Revenues of the Charity, with such retiring Pension or Allowance, if any, in favour of the Person so removed, and generally to impose such Conditions as to the said Board shall appear proper: Provided always, that where there shall be any special Visitor of the Charity, the Consent

of such Visitor, in Writing under his Hand, shall be necessary in order to such Removal.

Board may accept any charitable Donation or Bequest.

8. It shall be lawful for the Board from Time to Time, as they in their Discretion shall see fit, to take by Gift, Conveyance, Devise, or Bequest any Interest or Estate in any Property, Real or Personal, given, conveyed, devised, or bequeathed to them for charitable or pious Uses, intended to be applied in Ireland, or which may be directed by the Court of Chancery to be transferred or conveyed to said Commissioners, by any Order appointing them instead of or in deafult of other Trustees for any such Uses; and said Commissioners may take such Proceedings for the Recovery of the same as they may deem fit, and shall apply same, when recovered, according to the Intentions of the Donor or Donors.

Trustees may deposit Deeds, &c. for Security in a Repository provided by the Board.

9. It shall be lawful for any Trustees or other Persons having the Custody of any Deeds or Muniments of or relating to such Charity to deposit the same for Security in a Repository which may be provided by said Board, subject to any Regulations to be made by the said Board under this Act.

Board may apply Cy pres Doctrine to Funds vested in them as Occasion may require.

10. Whenever any Charitable Donation or Bequest shall be recovered by or be in any other Manner vested in said Board, and that it shall be found inexpedient, unlawful, or impracticable to apply the same according to the Direction or Intention of the Donor or Donors, it shall be lawful for the said Board to apply the same to such charitable and pious Purposes as they shall judge to be nearest and most conformable to the Directions and Intentions of the Donor or Donors.

Board may sanction Compromise of Claims on behalf of Charity.

11. If in any Case it appear to the Board or other the Trustees or Persons acting in the Administration of any Charity that any Claim or Demand or Cause of Suit against any Person in relation to such Charity may, with Advantage to the Charity, or should, under the special Circumstances of the Case, be compromised or adjusted without taking or without continuing any Proceedings at Law or in Equity, such Trustees or Persons may, or the Person against whom such Claim, Demand, or Cause of Suit exists or is alleged to exist may, with the Consent of the said Board or other the Trustees or Persons acting in the Administration of such Charity, submit to the said Board a Statement and Proposal for such Compromise or Adjustment; and if it appear to the said Board, after such Inquiry in relation thereto by the said paid Commissioners, or One of them, as they may deem requisite, or otherwise, that

that such Proposal, with or without any Modification, is fit and proper, and for the Benefit of the Charity, it shall be lawful for the said Board to make such Order for and in relation to such Compromise or Adjustment as they may think fit; and upon the due Performance of the Terms and Conditions of such Compromise or Adjustment as aforesaid, such Agreement shall be a final Bar to all Actions, Suits, Claims, or Demands by or on behalf of the Charity concerned therein, in respect of the Cause of Action, Suit, or Matter in respect to which such Compromise or Adjustment shall have been made.

Officers having Custody of Records to furnish Copies and Extracts, if required by Board.

12. All Public Officers having the Custody of Wills, Enrolments, Decrees, Reports, Records, and other Documents relating to or concerning any Charity shall furnish such Copies or Extracts as shall be required by the said Board; and every Inspector, Secretary, and other Officer of the said Board for the Time being, employed for the Purposes of this Act, shall be at liberty, by the Authority and under the Directions of the Board, and subject to such Regulations as the Board may make in that Behalf, to examine and search the Registers and Records of every Court of Law and Equity, and every Ecclesiastical Court, and every Public Registry and Office of Records, and to take Copies of and Extracts from any Decree or Document recorded or registered or deposited therein respectively, for any Purpose contemplated by this Act, without Fee or other Payment in respect thereof.

Notices of legal Proceedings as to any Charity by any Person, except the Attorney General, to be given to the Board.

13. Before any Suit, Petition, or other Proceeding (not being an Application in any Suit or Matter actually pending) for obtaining any Relief, Order, or Direction concerning or relating to any Charity, or the Estate, Funds, Property, or Income thereof, shall be commenced, presented, or taken by any Person whomsoever, there shall be transmitted by such Person to the said Board Notice in Writing of such proposed Suit, Petition, or Proceeding, and such Statement, Information, or Particulars as may be requisite or proper, or may be required from Time to Time by the said Board, for explaining the Nature and Objects thereof; and the said Board, if upon Consideration of the Circumstances they so think fit, may, by an Order or Certificate signed by their Secretary and Accountant, authorize or direct any Suit, Petition, or other Proceeding to be commenced, presented, or taken with respect to such Charity, either for the Objects and in the Manner specified or mentioned in such Notice, or for such other Objects, and in such Manner and Form, and subject to such Stipulations or Provisions for securing the Charity against Liability to any Costs or Expenses, and to such other Stipulations or Provisions for the Protection or Benefit of

the Charity, as the said Board may think proper; and such Board, if it seem proper to them, may, by such Order or Certificate as aforesaid, require and direct that any Proceeding so authorized by them in respect of any Charity shall be delayed during such Period as shall seem proper to and shall be directed by such Board; and every such Order or Certificate may be in such Form, and may contain such Statements and Particulars, as such Board shall think fit: Provided always, that this Enactment shall not extend to or affect any such Petition or Proceeding in which any Person shall claim any Property or seek any Relief adversely to any Charity.

Board may upon Inquiry authorize Proceedings where no Notice has been given to them.

14. Provided also, That where upon due Inquiry it appears to the said Board that any Suit, Petition, or other Proceeding concerning or relating to any Charity, or the Estate, Funds, Property, or Income thereof, would be proper or expedient, it shall be lawful for the said Board by their Order to authorize or direct such Suit, Petition, or Proceeding to be commenced, presented, or taken, and to give such Direction in relation thereto as the said Board may think proper; and thereupon such Suit, Petition, or Proceeding may be commenced, presented, or taken accordingly, without any such previous Notice in Writing as herein-before mentioned.

Saving for the Attorney General acting ex officio.

15. Provided always, That it shall be lawful for Her Majesty's Attorney General acting ex officio to make such Applications and take and prosecute such Proceedings with respect to any Charity, in the Court of Chancery, or otherwise, as to him may seem fit, as if this Act had not been passed; and that nothing in this Act contained shall be construed as dispensing with the Fiat or Allowance of Her Majesty's Attorney General with respect to any Proceeding where such Fiat or Allowance was necessary before the passing of this Act.

Board may sanction Building Leases, working Mines, doing Repairs and Improvements;

16. If in any Case it appear to the Trustees or Persons for the Time being acting in the Administration or Management of any Charity, or the Estates or Property thereof, or to the Board in respect of Property of which they are the Trustees or Managers, that any Part of the Charity Lands or Estates may be beneficially let on building, repairing, improving, or other Leases, on on Leases for working any Mine, or that the digging for or raising of Stone, Clay, Gravel, or other Minerals, or the cutting of Timber, would be for the Benefit of the Charity, or that it would be for the Benefit of such Charity that any new Road or Street should be formed or laid out, or any Drains or Sewers made, through any Part of the Charity Estates, or that any new Building should be erected, or that any existing Building should be repaired, altered, rebuilt, or wholly removed,

removed, or that any other Improvements or Alterations in the State or Condition of the Lands or Estates of such Charity should be made, it shall be lawful for such Trustees or Persons to lay before the said Board a Statement and Proposal in relation to any of the Matters aforesaid; and it shall be lawful for the said Board to execute such Leases and do such Acts in respect of the Property of which they are the Trustees or Managers as they may think fit, and if they think that the Leases or Acts to which the Statement and Proposal relate (with or without Modifications or Alterations) would be beneficial to the Charity, to make such Order for and in relation to the granting of such Leases, or the doing of any other such Acts as aforesaid, and any Circumstances connected therewith, as they may think fit, although such Leases or Acts respectively shall not be authorized or permitted by the Trust; and the said Board by any such Order may authorize the Application of any Moneys or Funds belonging to the Charity to which such Order refers for any of the Purposes or Acts aforesaid, and, if necessary, may raise any Sum of Money by Mortgage of all or any Part of the Property belonging to such Charity in respect of which they are Trustees or Managers, and in like Manner may authorize the Trustees of any other Charity to which any such Order refers to raise any Sum of Money by Mortgage of all or any Part of the said Charity Estates; provided that compulsory Provisions be reserved in every such Mortgage for the Payment of the Principal Money borrowed by annual Instalments, and for the Redemption and Reconveyance of the mortgaged Estates within the Period of not more than *Thirty Years*.

and may authorize the Application of the Charity Funds or the raising of Money on Mortgages for those Purposes.

17. Whenever it shall be proposed to the Board, in respect of Property of which they are Trustees or Managers, or by the Trustees or Persons acting in the Administration of any other Charity, that, under the special Circumstances of any Land belonging to any Charity, a Sale or Exchange, Lease, Surrender of a Lease, or Acceptance of a Surrender of such Land, can be effected on such Terms as to increase the Income of the Charity, or as otherwise would be advantageous to the Charity, such Board may, if they think fit, inquire into such Circumstances, and if after Inquiry they are satisfied that the proposed Sale or Exchange, Lease or Surrender, will be advantageous to the Charity, may authorize or execute such Sale or Exchange, Lease or Surrender, or the Acceptance of such Surrender, and give such Directions in relation thereto, and for securing the due Investment of the Money arising therefrom for the Benefit of the Charity, as they may think fitted to carry out the Intention of the Donor or Donors.

Board under special Circumstances may authorize Sale or Exchange of Charity Lands.

Board may authorise the Redemption of Rent-charges.

18. The said Board shall have Authority, upon such Proposal or Application as aforesaid, to authorize the Sale to the Owners of the Land charged therewith of any Rent-charge, Annuity, or other periodical Payment charged upon Land and payable to or for the Benefit of any Charity, or applicable to charitable Purposes, upon such Terms and Conditions as they may deem beneficial to the Charity, and to give such Directions for securing the due Investment of the Money arising from such Sale for the Benefit of the Charity, or for securing the due Application thereof to such charitable Purposes as they may think fit; and in like Manner the Board or other the Trustees of any Charity, with the Consent of the Board, may purchase any Rent-charge or other yearly Payment to which the Charity Estate is or shall be liable.

Leases, Sales, &c. authorized by the Board to be valid.

19. The Leases, Sales, Exchanges, and other Transactions authorized by such Board under the Powers of this Act shall have the like Effect and Validity as if they had been authorized by the express Terms of the Trust affecting the Charity.

Trustees of Charities enabled to purchase Sites for building from Owners under Disability, &c., according to the Provisions of Lands Clauses Consolidation Act, 1845.

20. Where any Land shall be required for the Erection or Construction of any House or Building with or without Garden, Playground, or other Appurtenances, for the Purposes of any Charity, and the Board or other the Trustees of the Charity shall be legally authorized to purchase and hold such Land, but by reason of the Disability of any Person having an Estate or Interest in such Land, or of any Defect in Title thereto, a valid and perfect Assurance of the same Land cannot be made to the Board or other the Trustees of the Charity in the ordinary Manner, it shall be lawful for the Board, or for the Trustees of the Charity with the Sanction of the said Board (such Sanction to be certified under the Hand of their Secretary and Accountant), to take and purchase such Land according to the Provisions of "The Lands Clauses Consolidation Act, 1845;" and for that Purpose all the Clauses and Provisions of the last-mentioned Act with respect to the Purchase of Lands by Agreement, and with respect to the Purchase Money or Compensation coming to Parties having limited Interests, or prevented from treating, or not making a Title, and also with respect to Conveyances of Lands, so far as the same Clauses and Provisions respectively are applicable to the Cases contemplated by this Provision, shall be incorporated in this Act; and in all Cases contemplated by this Provision the Expression "the Special Act," used in the said Clauses and Provisions of the said "Lands Clauses Consolidation Act," shall be construed to mean this Act; and the Expression "the Promoters of the Undertaking," used in the same Clauses

Clauses and Provisions, shall be construed to mean the Board or other the Trustees of the Charity in question.

Secretary to be Official Trustee of Charity Lands and Funds, and to be a Corporation.

21. The Secretary and Accountant for the Time being of the said Board shall by virtue of his Appointment be the Official Trustee of Charitable Lands and Funds, and such Official Trustee shall, for the Purposes of taking, holding, conveying, assigning, transferring, and transmitting Real Property, including Leaseholds for Lives and Years, and all Stocks and Funds, be a Corporation Sole by the Name of "the Official Trustee of Charitable Estates and Funds," and by that Name shall have perpetual Succession, and plead and be impleaded before all Courts, Justices, and others.

Land holden upon Trust for a Charity subject to Jurisdiction of Court of Chancery and of Judge, may be vested in Treasurer.

22. Where any Land, or any Term or Estate therein, holden upon Trust for any Charity, shall be vested in any Persons other than the Persons acting in the Administration and Application of the Rents, or where there shall be no Trustees thereof, or the Trustees, or any of them, shall be unwilling to act, or it shall be uncertain in whom such Land, Term or Estate, shall be vested, or all or any of the Persons in whom such Land, Term or Estate shall, be vested, cannot be found, or shall be under Age, lunatic, or of unsound Mind (whether found such by Inquisition or not), or otherwise incapable of acting, or shall be out of the Jurisdiction or not amenable to the Process of the Court of Chancery, where by reason of the reduced Number of Trustees or other Causes a valid Appointment of new Trustees cannot be made, or where, by reason of the Expenses incident to the Appointment of new Trustees, and the Conveyance or Assignment of such Land, Term or Estate, to such new Trustees, it shall appear to the Court of Chancery desirable so to do, such Court may order that such Land, Term or Estate, be vested in said Official Trustee of Charitable Estates and Funds, and thereupon the same shall vest in said Official Trustee of Charitable Estates and Funds for all the Estate and Interest holden in trust for the Charity as aforesaid, without any Conveyance or Assurance thereof; but no such Vesting Order as aforesaid shall be made in respect of any Land, or Term or Estate as aforesaid, holden in trust as aforesaid, vested in a Corporation, without the Consent of the Corporation.

Official Trustees to be a bare Trustee.

23. Subject to the Orders and Directions of the Board, the Secretary and Accountant, as such Official Trustee, shall be deemed a bare Trustee, and shall permit the Persons acting in the Administration of the Charity to have the Possession, Management, and Control of the Trust Estates, and the Application of the Income thereof, as if the same had been vested in them.

Orders may be made revesting Land, &c. in the Trustees of the Charity.

24. It shall be lawful for the said Court from Time to Time to order that all or any Part of the Land, Term or Estate, which shall for the Time being be vested in the said Official Trustee of Charitable Estates and Funds by virtue of any such Vesting Order as aforesaid, shall be divested, and that the same shall be vested in the acting Trustees or Trustee for the Time being of the Charity; and the last-mentioned Order shall operate to vest such Land, Term and Estate, in the Trustees or Trustee therein named, without any Conveyance or Assurance.

Judge may order Trustees, &c. holding Stock, &c. belonging to a Charity subject to his Jurisdiction to transfer same to Official Trustees.

25. Where Trustees or other Persons having in their Names or in the Name of any deceased Person of whom they are Representatives, in the Books of the Bank of *Ireland*, or of any other public Company, any Annuities, Stock, or Shares, or holding any Government or Parliamentary or other Securities, in trust for any Charity, shall be desirous to transfer or deposit the same to or with the said Official Trustee of Charitable Estates and Funds in trust for such Charity, or where any Persons shall be desirous of transferring or depositing as aforesaid any Annuities, Stocks, Shares, or Securities for discharging any Legacy or Charge given or made to or for the Benefit of any Charity, or where it shall appear to the Court of Chancery that any Annuities, Stocks, Shares, or Securities held in Trust for any Charity ought, for the Purpose of Security or convenient Administration, to be transferred or deposited as aforesaid, it shall be lawful for such Court to order the Transfer or Deposit of such Annuities, Stock, Shares, or Securities to or with such Official Trustees.

Secretary to keep separate Accounts of Funds of each Charity.

26. The Secretary and Accountant of the said Board shall keep separately Accounts of the Annuities, Stock, Shares, and Securities belonging to each separate Charity, and, as Official Trustee of Charitable Estates and Funds, shall, with the Sanction of the Board, pay the Dividends or Interest or Income thereof to the Trustees or Persons acting in the Administration of such Charity, or otherwise dispose thereof, according to the Intentions of the Donors, and transfer such Annuities, Stock, Shares, or Securities (when Occasion shall require) as the Court of Chancery or other lawful Authority shall direct.

Interpretation of Terms.

27. In the Construction of this Act, except where the Context or other Provisions of the Act may require a different Construction, the Expression "Court of Chancery" shall mean and include the Master of the Rolls; the Expression "Charity" shall mean every Devise, Donation, or Bequest for charitable or pious Uses, permitted by Law and intended to be applied in Ireland; the Expression "Trustee"

"Trustee" of any Charity shall mean and include every Person and Corporation seised or possessed of or entitled to any Real or Personal Estate, or any Interest therein, in trust for or for the Benefit of such Charity, or all or any of the Objects or Purposes thereof, and every Member of any such Corporation; and the Expression "the Board" shall mean the said Charity Commissioners sitting as a Board under this Act; and the Expression "Endowment" shall mean and include all Lands and Real Estate whatsoever, of any Tenure, and any Charge thereon, or Interest therein, and all Stocks, Funds, Moneys, Securities, Investments, and Personal Estate whatsoever, which shall for the Time being belong to or be held in trust for any Charity, or for all or any of the Objects or Purposes thereof; and the Expression "Land" shall extend to and include Manors, Messuages, Buildings, Tenements, and Hereditaments, corporeal and incorporeal, of every Tenure and Description.

Extent of Act.

28. This Act shall extend to *Ireland* only.

Short Title.

29. This Act may be cited as "The Charitable Trusts Amendment Act (1866) *Ireland*."

Charitable Donations and Bequests (Ireland).

A

B I L L

To amend the Law relating to Charitable Donations and Bequests in Ireland.

(*Prepared and brought in by Mr. Blake and Mr. Synan.*)

Ordered, by The House of Commons, *to be Printed*, 28 *June* 1866.

[Bill 201.]

Under 2 oz.

A

B I L L

INTITULED

An Act to make further Provision for the Enrolment of certain Deeds, Assurances, and other Instruments relating to Charitable Trusts.

WHEREAS an Act was passed in the Ninth Year of the Reign of His late Majesty King George the Second, Chapter Thirty-six, intituled "An Act to restrain the "Disposition of Lands whereby the same become inalienable:" And whereas by a Second Act passed in the Twenty-fourth Year of the Reign of Her present Majesty, Chapter Nine, certain Deeds, Assurances, and Instruments theretofore made were, notwithstanding the first-mentioned Act, made valid where the same had been or should be within the Time therein mentioned enrolled in Her Majesty's High Court of Chancery; and by Two subsequent Acts respectively passed in the Twenty-fifth Year of Her present Majesty, Chapter Seventeen, and the Twenty-seventh Year of Her present Majesty, Chapter Thirteen, the second-mentioned Act was explained and amended, and the Time for making Enrolments thereunder was extended, and has since expired; and it is expedient that further Provision should be made with respect to certain Preamble.

Deeds, Assurances, and Instruments now rendered void for want of compliance with the Provisions of the first-mentioned Act:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Any Trustee, &c. of any Charity may apply to Court of Chancery for Order authorizing Enrolment of any Deed, &c.

1. Any Trustee, Governor, Director, or Manager of any Charity, or any other Person entitled to act in the Management of or otherwise interested in any Charitable Trust, may, by Summons in a summary Way, and without Service thereof upon any Person, apply to the Court of Chancery for an Order authorizing the Enrolment in the Court of any Deed, Assurance, or other Instrument whereby any Hereditaments of any Tenure or any Estate or Interest therein have or has been or shall be given, granted, or in any way conveyed, settled, or charged for Charitable Uses, or of any other Deed, Assurance, or Instrument relative to or connected with any Charitable Trust, and which Deed, Assurance, or Instrument ought to have been enrolled, but has not been enrolled within the Time by Law limited for that Purpose.

If Court satisfied that Deed, &c. to which Application relates was made bonâ fide for full and valuable Consideration, Court may make Order authorizing Enrolment.

2. If the Court shall be satisfied by Affidavit or otherwise that the Deed, Assurance, or other Instrument to which the Application relates was made really and bonâ fide for full and valuable Consideration, actually paid at or before the making or perfecting thereof, or reserved by way of Rentcharge or other annual Payment, or partly paid at or before the making or perfecting of such Deed, Assurance, or other Instrument and partly reserved as aforesaid, without Fraud or Collusion, and that at the Time of the Application to the Court Possession or Enjoyment is held under such Deed, Assurance, or other Instrument, and that the Omission to enrol the same in proper Time has arisen from mere Ignorance or Inadvertence, it shall be lawful for the Court to make an Order authorizing the Enrolment in the Court of such Deed, Assurance, or other Instrument, and the same shall thereupon be enrolled accordingly at any Time within Six Calendar Months from the Date of the Order, and no Acknowledgment shall be necessary prior to Enrolment.

Force and Effect given to Deed, &c. by Enrolment.

3. Every Enrolment made pursuant to an Order of the Court under this Act shall, notwithstanding anything in the first-mentioned Act contained give to the Deed, Assurance, or other Instrument enrolled the same Force and Effect which by the second-mentioned Act, as explained and amended by the Two subsequent Acts before mentioned, is given to a Deed, Assurance, or other Instrument by the

the Three last-mentioned Acts respectively authorised to be enrolled, and duly enrolled according to the Provisions thereof and within the Time thereby respectively limited.

4. Provided always, That nothing herein contained shall affect or apply to any Deed, Instrument, or Assurance as to which at the Time of any such Application to the Court of Chancery any Action, Suit, or Proceeding shall be pending for setting aside the same or for asserting any Right founded on the Invalidity thereof, or any Decree or Judgment shall have been then already obtained founded on such Invalidity.

Proviso concerning Deeds, &c. as to which at Time of Application to Court, any Action, &c. shall be pending.

Charitable Trusts Deeds Enrolment. [H. L.]

A

B I L L

INTITULED

An Act to make further Provision for the Enrolment of certain Deeds, Assurances, and other Instruments relating to Charitable Trusts.

(*Brought from the Lords* 18 *June* 1866.)

Ordered, by The House of Commons, *to be Printed*, 26 *June* 1866.

[Bill 199.]

Under 1 *oz.*

A

B I L L

FOR

The Abolition of Church Rates.

WHEREAS Church Rates have for some Years ceased to be made or collected in many Parishes by reason of the Opposition thereto, and in many other Parishes where Church Rates have been made the levying thereof has given rise to Litigation and Ill-feeling: And whereas it is expedient that the Power to make Church Rates should be abolished: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. From and after the *passing of this Act* no Church Rate shall be made or levied in any Parish in England or Wales. Church Rates abolished.

2. Provided always, That in any Parish where a Sum of Money is at the Time of the *passing of this Act* due on the Security of Church Rates to be made or levied in such Parish under the Provisions of any Act of Parliament, such Rates may still be made and levied pursuant to such Provisions for the Purpose of paying off the Money so due, but not otherwise, until the same shall have been liquidated. Saving where Money due on Security of such Rates.

3. Any

Church Rate already made may be recovered.

3. Any Church Rate made at any Time before the *passing of this Act* may be collected and recovered in the same Way as if this Act had not been passed.

Short Title.

4. This Act may be cited as "The Church Rate Abolition Act, 1866."

Church Rates Abolition.

A

BILL

For the Abolition of Church Rates.

(*Prepared and brought in by*
Mr. Hardcastle, Mr. Dillwyn, and Mr. Baines.)

Ordered, by The House of Commons, *to be Printed,*
13 *February* 1866.

[Bill 11.]

Under 1 *oz.*

A

B I L L

TO

Amend the Law relating to Church Rates.

WHEREAS it is expedient to amend the Law relating to Church Rates: Preamble.

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Church Rates not to be recoverable from Persons who give Notice that they object to contribute.

1. That from and after *the passing of this Act* no Church Rate shall be recoverable by Law, or levied in any Parish in England or Wales, from or upon the Goods of any Person who before the making of such Rate shall have given Notice in Writing under his Hand to the Churchwardens, or One of them, that he objects to contribute toward the Expenses of the Parish Church, and who shall not have withdrawn such Notice.

Persons so objecting not to be entitled to vote in Church Matters.

2. That where any Person shall have given such Notice as aforesaid in Writing under his Hand to the Churchwardens, or One of them, and shall not have withdrawn the same by Writing under his Hand delivered to the Churchwardens, or One of them, such Persons shall not be at liberty to speak or vote at any

Parochial or Vestry Meeting in the Election of Churchwardens, nor as to the making of a Church Rate, nor upon any Matter or Thing relating to the Church or its Services.

Such Person need not be included in the Rate.

3. That when any Person shall have given any such Notice as aforesaid, and shall not have withdrawn the same in manner aforesaid, it shall not be necessary to include such Person in the Rate.

If no Notice given, Rate to be deemed valid.

4. That if no such Notice as aforesaid be given, or if given be withdrawn, the Rate shall be deemed to be valid and recoverable accordingly.

Book to be kept.

5. That every Churchwarden shall enter in a Book to be kept for that Purpose the Particulars of every such Notice which he shall receive, and shall hand over such Books to his Successor in Office.

Incumbent and Churchwardens may take and hold Real and Personal Property.

6. That the Churchwardens and the Incumbent of any Parish may take or acquire, and hold or dispose of, any Real as well as Personal Property, for the Maintenance and Support of the Parish Church and its Services, and they and their Successors shall be a Body Corporate for that Purpose, with perpetual Succession, by the Name of the Incumbent and Churchwardens of the Parish or District, as the Case may be: Provided always, that such Corporate Body and the Property so held by them shall be subject to the Control, Powers, and Jurisdiction of the Charity Commissioners for England and Wales, in like Manner as other Charities now under their Control.

Saving where Money due on Security of such Rates.

7. Provided always, That in any Parish where a Sum of Money is at the Time of *the passing of this Act* due on the Security of Church Rates to be made or levied in such Parish under the Provisions of any Act of Parliament, such Rates may still be made and levied, pursuant to such Provisions, for the Purpose of paying off the Money so due, until the same shall have been liquidated.

Church Rates already made may be recovered.

8. Any Church Rate made at any Time before *the passing of this Act* may be collected and recovered in the same Way as if this Act had not been passed.

Interpretation Clause.

9. The Words importing the Singular shall include the Plural; "Person" shall include Company and Corporations; Masculine shall include Feminine; "Churchwardens" shall mean and include the

the Churchwardens of any Parish or separate Ecclesiastical District; and "Parish" shall mean and include any separate Ecclesiastical District.

10. This Act may be cited as The Church Rates Amendment Act, 1866. Short Title.

Church Rates Amendment.

A

BILL

To amend the Law relating to Church Rates.

(*Prepared and brought in by Mr. Bovill and Mr. Beresford Hope.*)

Ordered, by The House of Commons, *to be Printed*, 11 *June* 1866.

[Bill 187.]

Under 1 *oz.*

Church Rates Commutation (No. 2) Bill.

ARRANGEMENT OF CLAUSES.

CLAUSES.

Preamble.

Preliminary.

1. Short Title.
2. Extent.
3. Interpretation.
4. Mode of publishing Notices by Churchwardens.

Cessation of Church Rates.

5. Church Rates to cease.

Establishment of Church Charge, with Exemptions.

6. Church Charge at 2*d.* in the Pound in lieu of Church Rates.
7. Exemption of Parish where no Church Rate made for last Seven Years, &c.
8. Power for Vestry to adopt Church Charge.

Assessment of Church Charge.

9. Churchwardens to publish Schedule for Assessment of Church Charge.
10. Time for Completion.
11. Similar Schedule to be made yearly.
12. Penalty on wilful Omission, &c., by Churchwarden.
13. Appeal as in case of Poor Rate.
14. Schedule to be sent to Clerk of Peace or Town Clerk.

Collection of Church Charge.

15. Precepts for Church Charge along with County or Borough Rate.
16. Precepts separately if no County or Borough Rate made.
17. Provisions respecting County and Borough Rates applied to Church Charge.
18. Separate Acknowledgment for Church Charge.
19. Deduction by Tenant of Church Charge from his Rent. [*See* 5 *&* 6 *Vict. c.* 35. *s.* 60., *No. IV., Ninth Rule.*]

Administration of Church Charge.

20. Administration by Governors of Queen Anne's Bounty.
21. Committee of Queen Anne's Bounty.

CLAUSES.

22. County and Borough Treasurer to send Money received to Queen Anne's Bounty.
23. Churchwardens to draw on Queen Anne's Bounty.
24. Annual Accounts of Churchwardens.
25. Regulation of Expenditure of Parish.
26. Investments by Queen Anne's Bounty for Benefit of Parish.
27. Accounts of Queen Anne's Bounty to be sent to Parishes.
28. Rules and Arrangements of Queen Anne's Bounty.

Incorporation of Incumbent and Churchwardens.

29. Incumbent and Churchwardens to be a Corporation for Purposes of this Act.

Discharge of particular Property from Church Charge.

30. Power to Owner of Property to obtain Discharge thereof from Church Charge by Payment of Capital Value of Church Charge thereon or by Grant of Redemption Rentcharge.
31. Proceedings for obtaining Discharge where Property is in Settlement. 19 & 20 Vict. c. 120.; 21 & 22 Vict. c. 77.
32. Release of Redemption Rentcharge in consideration of Transfer of equivalent Stock.
33. Partial Release of Land from Redemption Rentcharge.
34. Release of Redemption Rentcharge where Land charged is in Settlement.

Benefactions for Relief of Parish from Church Charge.

35. Power to any Person to grant or devise Property for Relief of Parish, under Restrictions. [*See* 2 & 3 *Ann. c.* 11. *s.* 4.; 43 *Geo.* 3. *cc.* 107, 108.]
36. Power for Trustees for Relief of Parish to transfer Property to Incumbent and Churchwardens.

Discontinuance of Church Charge in a Parish.

37. Award of Governors of Queen Anne's Bounty for Discontinuance of Church Charge.

Ecclesiastical Jurisdiction.

38. Exclusion of Ecclesiastical Jurisdiction.

Forms.

39. Forms in Schedule.

Saving

CLAUSES.

Saving for Local Acts.

40. Regulations as to particular Parish to remain.
[*See last Proviso in* 53 *Geo.* 3. *c.* 127. *s.* 7.]

General Savings.

41. Pending Proceedings, and Cases where Money borrowed on Security of Church Rates.

SCHEDULE.

A

B I L L

FOR

The Commutation of Church Rates.

WHEREAS in certain Parishes Church Rates have for some Years ceased to be made, and in other Parishes where Church Rates have been made the levying thereof has given rise to Ill-feeling and Litigation: Preamble.

And whereas it is expedient that an annual Charge upon Property be levied in lieu of Church Rates, and that Provision be also made for the Commutation of such Charge, and also for the Reception, holding in Trust, and due Application of Benefactions and voluntary Contributions for the Purposes of Church Rates and instead thereof:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

1. This Act may be cited as The Church Rates Commutation Act, 1866. Short Title.

2. This Act shall not extend to Scotland or Ireland. Extent.

Interpretation.

3. In this Act—

The Term "Parish" means any Place or District for which a separate Church Rate might have been made if this Act had not been passed, whether a Parish, District Parish, Ecclesiastical District, or other Ecclesiastical Division:

The Terms "Church" and "Churchwarden" include Chapel and Chapelwarden:

The Term "Owner of Property," with respect to Land, means the Person who is for the Time being entitled to receive the Rackrent of the Land from the Occupier thereof, or who, if the Land were let to a Tenant at Rackrent, would for the Time being be entitled to the Receipt of the Rackrent:

The Term "Ratepayer" means a Person assessed to Rates for Relief of the Poor.

Mode of publishing Notices by Churchwardens.

4. Where Churchwardens are required by this Act to publish any Notice, Account, or other Thing, they shall fix the same, in Writing or Print, or partly in Writing and partly in Print, under their Hands, on or near the principal Door of the Church of the Parish, and shall keep the same so fixed for *One Month*, and also shall advertise the same once at least during such *Month* in some Newspaper printed in the County in which the Parish is situate, and if there is none, then in an adjoining County.

Cessation of Church Rates with Exceptions.

Church Rates to cease.

5. No Church Rate shall be made after the *Thirty-first Day of December One thousand eight hundred and sixty-seven.*

Establishment of Church Charge, with Exemptions.

Church Charge at 2*d.* in the Pound in lieu of Church Rates.

6. From and after the *Thirty-first* Day of *December One thousand eight hundred and sixty-seven*, all Property in respect of the Occupation whereof the Occupier would, if this Act had not been passed, have been by Law liable to be assessed to Church Rates shall (except as in this Act otherwise provided) be subject to an annual Charge after the uniform Rate of *Twopence* for every Pound Sterling of the annual rateable Value thereof, according to the Valuation of Property for the Purpose of Rates for Relief of the Poor.

Such Charge shall be called the Church Charge, and shall be in substitution for Church Rates, and shall be levied as in this Act provided, and shall be applicable for the Purposes for which Church Rates are by Law applicable.

Exemption of Parish in which no Church Rate

7. The following Parishes are hereby exempted from the Church Charge, namely,—every Parish where Church Rates are not at the passing of this Act by Law leviable, and every Parish where a Church

Church Rate has not in fact been made within the *Seven* Years ending with the *Thirty-first Day of December One thousand eight hundred and sixty-five.* made for last Seven Years, &c.

8. The Inhabitants of any Parish exempted from the Church Charge, in Vestry assembled, may, by a Majority of not less than *Two Thirds* in Number, at any Time resolve that the Exemption shall cease, and thenceforth the Property in the Parish shall be subject to the Church Charge accordingly. Power for Vestry to adoptChurch Charge.

Assessment of Church Charge.

9. Forthwith after the Expiration of *One Year* from the passing of this Act, the Churchwardens of every Parish (except Parishes wherein by virtue of the Provisions of this Act the Church Charge is not assessable or leviable) shall proceed to make out a Schedule showing all the Property subject to the Church Charge for the Parish, the Names of all Persons liable to pay the same, the Amount for which each is liable, and the total Amount of the Church Charge for the Parish. Churchwardens to publish Schedule of Assessment of Church Charge.

10. The Churchwardens shall complete such Schedule within *Three Months* after the Expiration of *One Year* from the passing of this Act, and forthwith on Completion thereof shall publish it with a Notice, stating that any Person dissatisfied with the Assessment therein contained may appeal against the same as an Appeal may be made against a Rate for Relief of the Poor. Time for Completion.

11. The Churchwardens in every Parish (except as aforesaid) shall in every subsequent Year on or before the *First Day of November* make out a like Schedule, and publish it with a like Notice. Similar Schedule to be made yearly.

12. If any Churchwarden wilfully omits to include any Property or Person in any such Schedule, or if any Churchwarden makes in any such Schedule a Statement of anything by this Act required to be stated therein, knowing the Statement to be false in any material Particular, he shall for every such Offence, on summary Conviction before Two or more Justices of the Peace, be liable to a Penalty not exceeding *Ten Pounds.* Penalty on wilful Omission, &c. by Churchwarden.

13. All statutory and other Provisions and Rules concerning an Appeal against a Rate for Relief of the Poor, and the affirming, quashing, or amending thereof, shall extend and apply, mutatis mutandis, to the Church Charge, and to an Appeal against the same, and the affirming, quashing, or amending thereof. Appeal as in case of Poor Rate.

Schedule to be sent to Clerk of the Peace or Town Clerk.

14. The Churchwardens of each Parish shall deliver the Schedule for the Parish to the Clerk of the Justices of the Petty Sessional Division within which the Parish is, who shall within *Fourteen Days* after any Appeal is disposed of in Special Sessions, or after the Time allowed for Appeal is expired, send the Schedule (with any Amendment made therein on Appeal to Special Sessions) to the Clerk of the Peace or Town Clerk, or Officer discharging the Duties of Town Clerk or Clerk of the Peace, for the County, Borough, or Place in which the Parish is situate, as the Case requires.

Collection of Church Charge.

Precepts for Church Charge along with County or Borough Rate.

15. Where, after *the Thirty-first Day of March One thousand eight hundred and sixty-eight*, a County Rate, or Rate in the Nature of a County Rate, or a Borough Rate, is made for the first Time in any Year, the Precepts, Warrants, or other Instruments issued for the Collection thereof shall also comprise and direct the Collection of the Church Charge in the several Parishes subject to the Rate (except Parishes wherein by virtue of the Provisions of this Act the Church Charge is not leviable), and according to the Assessments made for the several Parishes in manner aforesaid, for which Purpose the Schedules made under this Act for the several Parishes shall be delivered together with such Precepts, Warrants, or other Instruments.

Precepts separately if no County or Borough Rate made.

16. If in any Case such a Rate as aforesaid is not made before the *Thirtieth Day of June* in any Year, then on or before the *Twenty-first Day of July* in that Year Precepts, Warrants, or other proper Instruments shall be issued for the Collection of the Church Charge alone, the Schedules aforesaid being delivered therewith respectively.

Provisions respecting County and Borough Rates applied to Church Charge.

17. All statutory and other Provisions and Rules concerning the Powers, Rights, Duties, Protection, and Liabilities of Guardians of Unions, Overseers of the Poor, County Treasurers, Treasurers of Boroughs, Justices of the Peace, and other Authorities and Persons, in relation to County Rates, Rates in the Nature of County Rates, and Borough Rates respectively, and the Collection, Payment, and Receipt thereof, and the Remedies for recovering or enforcing Payment of the same, shall extend and apply, mutatis mutandis, to the Church Charge, and the Collection, Payment, and Receipt thereof, and the Remedies for recovering or enforcing Payment of the same.

Separate Acknowledgment for Church Charge.

18. A separate Acknowledgment of the Payment of the Church Charge shall in each Case be given.

Deduction by Tenant

19. The Occupier of any Property, being Tenant thereof, and not being liable, as between himself and his Landlord, by virtue of any

any Deed or Writing, made or to be made, to pay Church Rates or the Church Charge, either specifically, or as included in the general Description of Rates and Taxes, or otherwise, shall be entitled, if he thinks fit, to deduct any Sum paid by him for the Church Charge out of his next following Payment of Rent, and the Receivers of Her Majesty and all Landlords, mediate and immediate, their Receivers, Agents, Representatives, and Assigns, according to their respective Interests, shall allow that Deduction, if claimed, on Receipt of the Residue of the Rent, and the Tenant paying any Sum for Church Charge, and claiming such Deduction, shall be discharged of the Amount so paid and claimed to be deducted, as if the same had been actually paid to the Person entitled to receive his Rent.

Deduction of Church Charge from his Rent.

Administration of Church Charge.

20. The Administration of Money received for the Church Charge shall be conducted by the Governors of Queen Anne's Bounty as in this Act provided.

Administration by Governors of Queen Anne's Bounty.

A Meeting of the Governors of Queen Anne's Bounty shall not be competent to act for any of the Purposes of this Act unless there are present at least *Two* Lay Governors,—or to hear and determine any Appeal or Objection under this Act unless there are present at least *Two* of the following Persons,—nor shall any General Rules made by the Governors under this Act be valid unless they are made under the Hands of at least *Seven* of the Governors, including at least *Three* of the following Persons, namely,—the Speaker of the House of Commons, a Member of the Judicial Committee of Her Majesty's Privy Council, the Lord Chief Justice, Lord Chief Baron, or other Judge of One of the Superior Courts of Law at Westminster, the Master of the Rolls, Her Majesty's Attorney, Solicitor, or Advocate General, or One of Her Majesty's Counsel learned in the Law.

21. The Governors of Queen Anne's Bounty shall from Time to Time appoint for the Purposes of this Act a standing Committee (to be called The Church Charge Committee) to perform such of the Duties imposed on the Governors by this Act as are from Time to Time referred to the Committee by or according to any General Rules made under this Act.

Committee of Queen Anne's Bounty.

The Committee shall consist of *Twelve* Governors, of whom at least *Four* shall be Laymen; and *Five* Members of the Committee, including at least *Two* Laymen, shall be a Quorum; and the Proceedings of the Committee shall be regulated by General Rules made under this Act.

22. Every County Treasurer or Treasurer of a Borough on receipt of the Money collected for Church Charge shall within *Fourteen* *Days*

County and Borough Treasurer to

send Money received to Queen Anne's Bounty.

Days thereafter transmit the same to the Governors of Queen Anne's Bounty, distinguishing the Parishes for which it has been received, and the Sum received for each Parish.

The Governors shall on Receipt thereof place the Proportions thereof received for the several Parishes to the Credit of separate Accounts to be opened and kept by them with the Churchwardens, and shall within *Fourteen Days* give Notice in Writing of such Receipt to the respective Churchwardens.

Churchwardens to draw on Queen Anne's Bounty.

23. The Churchwardens of each Parish may from Time to Time draw on the Governors of Queen Anne's Bounty (their Signatures to their Draft being in each Instance attested by a Justice of the Peace having Jurisdiction in the Parish) for the Amount (not exceeding the Sum standing to their Credit in the Books of the Governors) from Time to Time required in the Parish for the Purposes for which the Church Charge is applicable, and the Governors shall remit that Amount to the Churchwardens:

Provided, that the Governors shall not, in any Year remit to the Churchwardens of any Parish a Sum or Sums exceeding the Amount of the then last Year's Produce of the Church Charge for the Parish, except on a Resolution of the Vestry of the Parish authorizing the Churchwardens to draw for a Sum or Sums exceeding that Amount.

Annual Accounts of Churchwardens.

24. The Churchwardens of each Parish shall annually lay before the Vestry of the Parish an Account in Abstract of their Receipts and Payments for the past Year in respect of the Church Charge, having first published the same.

Regulation of Expenditure of Parish.

25. Where the Churchwardens of a Parish propose to expend any Money for Purposes for which the Church Charge is applicable, the following Provisions shall have effect:

(1.) The Churchwardens shall publish and lay before the Vestry an Account showing for the Year then last past the Amount received by the Governors of Queen Anne's Bounty in respect of the Church Charge for the Parish, and the Amount thereof drawn by the Churchwardens, and the Expenditure of that Amount, and a Statement of the Amount and Objects of the proposed Expenditure:

(2.) The Vestry may by Resolution authorize the proposed Expenditure:

(3.) Within *Fourteen Days* after the Meeting at which that Resolution is agreed to, any Owner of Property liable to the Church Charge for the Parish, or any Ratepayer of the Parish, may appeal against the proposed Expenditure or any Part thereof to the Governors of Queen Anne's Bounty, stating

stating in Writing the Grounds of his Appeal, and giving Notice thereof in Writing to the Churchwardens:

(4.) The Governors shall, within *Two Months* after receiving the Appeal, hear and determine the same, stating in Writing their Approval or Disapproval of the proposed Expenditure or any Part thereof (with, in case of Disapproval, the Grounds thereof), and shall deliver or send the Statement to the Appellant, and a certified Copy thereof to the Churchwardens:

(5.) The Churchwardens shall not proceed with the proposed Expenditure or the Part thereof appealed against, pending the Appeal, or after any such Disapproval.

Investments by Queen Anne's Bounty for Benefit of Parish.

26. As often as there is standing for *Two Months* to the Credit of the Churchwardens of a Parish in the Books of the Governors of Queen Anne's Bounty a Sum of Money exceeding *Fifty Pounds*, the Governors shall, at the End of that period of *Two Months*, invest that Sum in their own Names in some of the Public Stocks or Funds, for the Benefit of the Parish, and shall place the Income from that Investment to the Credit of the Churchwardens.

That Income and the Proceeds of any Sale from Time to Time made of any part of those Stocks or Funds (which Sale the Governors may from Time to Time make as Occasion requires) shall be dealt with in like Manner as the Money received by the Governors on account of the Church Charge for the Parish.

Accounts of Queen Anne's Bounty to be sent to Parishes.

27. The Governors of Queen Anne's Bounty shall from Time to Time send to all Churchwardens Statements of their respective Accounts, in such Rotation that the Churchwardens of each Parish will receive such a Statement not less than once in every *Five Years*.

The Churchwardens of each Parish shall, as soon as may be, lay the Statement before the Vestry, having first published it.

Rules and Arrangements of Queen Anne's Bounty.

28. The Governors of Queen Anne's Bounty shall from Time to Time make General Rules for the Execution of the Duties imposed on them by this Act, and, subject and according to such Rules,—

(1.) Shall appoint Officers and Clerks, and provide Offices and Things, necessary or proper for the Execution of those Duties:

(2.) Shall invest in their own Names in some of the Public Stocks or Funds Money coming to their Hands under this Act and not required either for immediate Use or for Investment for the Benefit of any particular Parish, and proper to be so invested:

(3.) Shall apply the Income to arise from such last-mentioned Investments in or towards defraying the Expenses incurred by them in the Execution of this Act:

(4.) Shall, if such last-mentioned Income is insufficient for that Purpose, defray those Expenses out of Money coming to their Hands for the Church Charge, in such Manner that those Expenses may be borne by the several Parishes in such Proportions as to the Governors appear just.

Incorporation of Incumbent and Churchwardens.

Incumbent and Churchwardens to be a Corporation for Purposes of this Act.

29. In every Parish the Incumbent and Churchwardens for the Time being shall be and are hereby, for the Purposes of this Act only, incorporated by the Name of The Incumbent and Churchwardens of the Parish of , and by that Name shall be One Body Corporate, with perpetual Succession and a Common Seal, and with Power to take, hold, and dispose of, Land and other Property for the Purposes and according to the Provisions of this Act.

Discharge of particular Property from Church Charge.

Power to Owner of Property to obtain Discharge thereof from Church Charge by Payment of Capital Value of Church Charge thereon or by Grant of Redemption Rentcharge.

30. Any Person having any Estate or Interest in any Property liable to the Church Charge in any Parish may obtain the Discharge of the Property from that Liability in manner following:

(1.) He may pay to the Governors of Queen Anne's Bounty a Sum of Money equal to the Capital Value of the Church Charge on the Property, estimated at *Twenty-seven Years* Purchase of the gross annual Amount of the Church Charge at the Time of Payment, such Sum to be placed by the Governors to the Credit of the Churchwardens of the Parish; or

(2.) He may grant to the Incumbent and Churchwardens of the Parish a perpetual yearly Rentcharge (to which the Term Redemption Rentcharge, where hereafter used in this Act, refers), to be issuing out of Land of Freehold Tenure, equal to the gross annual Amount at the Time of the Grant of the Church Charge on the Property intended to be discharged, securing the Rentcharge to the Satisfaction of the Governors of Queen Anne's Bounty:

(3.) The Governors, on Receipt of such Money, or on such Rentcharge being secured to their Satisfaction, as the Case may be, shall give to the Person making such Payment or Grant a Certificate under their Common Seal stating the Fact of such Payment or Grant, and specifying the Property for the Discharge whereof it is made, and shall send a certified Copy of the Certificate to the Churchwardens of the Parish:

Every

Every such Certificate shall, from a Time to be therein stated, effectually discharge the Property therein comprised from Liability to the Church Charge.

Proceedings for obtaining Discharge where Property is in Settlement. 19 & 20 Vict. c. 120. 21 & 22 Vict. c. 77.

31. Where any Property liable to the Church Charge in any Parish is a Settled Estate within the Operation of the Settled Estates Act (that is to say the Act of the Session of the Nineteenth and Twentieth Years of Her Majesty's Reign, Chapter One hundred and Twenty) the Discharge of the Property from that Liability may be obtained in manner following:

(1.) The Court of Chancery, if the Court deems it proper and consistent with a due Regard to the Interests of all Parties entitled under the Settlement of the Estate, may authorize the granting to the Incumbent and Churchwardens of the Parish of such a perpetual yearly Redemption Rentcharge as aforesaid, to be issuing out of Land of Freehold Tenure forming Part of the Settled Estate, or out of Land of Freehold Tenure subject to the same Limitations as the Settled Estate, and to be secured to the Satisfaction of the Governors of Queen Anne's Bounty in such Manner as the Court approves:

(2.) The Court shall direct what Person is to execute the Deed for granting and securing the Rentcharge, and every Deed executed accordingly shall have Effect as if the Settlement of the Land comprised in that Deed had contained a Power enabling that Person to grant and secure such a Rentcharge, and so as to operate (if necessary) by way of Revocation and Appointment of the Use or otherwise as the Court directs:

(3.) The following Provisions of the Settled Estates Act, and any Provision amending the same or any of them, shall extend and apply, mutatis mutandis, to the Exercise by the Court of Chancery of the Powers conferred by the present Section, as if the same were here re-enacted; namely, Sections Sixteen, Seventeen, Nineteen, Twenty-two, Twenty-six to Thirty-one, both inclusive, Thirty-six to Forty-two, both inclusive, and Forty-four.

Release of Redemption Rentcharge in consideration of Transfer of equivalent Stock.

32. Where a Redemption Rentcharge has been granted, the Incumbent and Churchwardens of the Parish may, at any Time afterwards, with the Consent of the Governors of Queen Anne's Bounty, testified in Writing under their Common Seal, release from the Rentcharge the Land out of which it issues, in consideration of the Transfer into the Names of the Governors of a Sum in some of the Public Stocks or Funds producing permanently an Income equal to the Rentcharge.

Any Sum so transferred shall be held by the Governors for the Benefit of the Parish, and in discharge from Liability to Church Charge of the Property for Discharge whereof the Rentcharge was granted.

On such Transfer the Governors shall give a Certificate under their Common Seal, stating the same, and specifying the Property intended to be discharged, and shall send a certified Copy thereof to the Churchwardens of the Parish.

Every such Certificate shall, from a Time to be therein stated, effectually discharge the Property therein comprised from Liability to the Church Charge.

Partial Release of Land from Redemption Rentcharge.

33. Where a Redemption Rentcharge has been granted, and any Person having any Estate or Interest in the Land out of which it issues is desirous of obtaining a Release of Part of the Land from the Rentcharge, then, if the Residue of the Land is sufficient Security for the Rentcharge, the Incumbent and Churchwardens of the Parish may, if they think fit, with the Consent of the Governors of Queen Anne's Bounty, testified in Writing under their Common Seal, with or without any Consideration, release any Part of the Land from the Rentcharge; and in every such Case the Rentcharge shall continue charged on and issuing out of the Residue of the same Land remaining un-released, with the same Validity and Effect with respect to that Residue as if such partial Release had not been made.

Any pecuniary Consideration received by the Incumbent and Churchwardens for any such Release shall be held by them in trust for the Relief of the Parish from the Church Charge.

Release of Redemption Rentcharge where Land charged is in Settlement.

34. Where a Redemption Rentcharge has been granted under the Authority of the Court of Chancery, and the Land out of which it issues continues comprised in a Settlement, any such partial Release shall not be valid unless the Authority of the Court of Chancery is first obtained; and the Court of Chancery, if the Court deems it proper and consistent with a due Regard for the Interests of all Parties entitled under the Settlement, may authorize any such partial Release, subject and according, as nearly as may be, to the same Restrictions and Provisions as are in this Act provided respecting the granting of a Redemption Rentcharge in case of a settled Estate.

Benefactions for Relief of Parish from Church Charge.

Power to any Person to grant or devise Property for Relief of Parish, under Restrictions.

35. Any Person may, notwithstanding any Statute passed or to be passed restraining Alienation in Mortmain or Dispositions for Charitable Uses, by Deed or Testamentary Writing grant, give, or appoint any Property to the Incumbent and Churchwardens of a Parish for any Estate or Interest for which he has Power to dispose thereof, to be

be held by the Incumbent and Churchwardens and their Successors in trust for or towards the Relief of the Parish from the Church Charge: [*See 2 & 3 Ann. c. 11. s. 4. 43 Geo. 3. cc. 107, 108.*]

Provided, that nothing in the present Section shall empower any Person to give, grant, or appoint any Property for the Relief of more than One Parish, or to give, grant, or appoint any Property the Capital Value whereof exceeds the Value of the Church Charge for the Parish, estimated at *Twenty-seven* Years Purchase of the average annual Produce thereof during the *Seven* Years next before the Gift, Grant, or Appointment takes effect; but so nevertheless that if the Capital Value of any Property expressed or intended to be given, granted, or appointed in pursuance of the present Section is found to exceed the Limit aforesaid, the Gift, Grant, or Appointment thereof shall be invalid under this Act for the Excess only, and the Court of Chancery, on Petition in a summary Way, may make Order for reducing the same to the Limit aforesaid, and may make such further Order in the Matter as seems proper.

Power for Trustees for Relief of Parish to transfer Property to Incumbent and Churchwardens.

36. Any Person who for the Time being holds any Property in trust for the Relief of any Parish from Church Rates or Church Charge may, with the Consent of the Governors of Queen Anne's Bounty, testified in Writing under their Common Seal, transfer the same to the Incumbent and Churchwardens of the Parish and their Successors, to hold in trust for the Relief of the Parish from Church Charge; and thereupon all Powers, Rights, Duties, and Liabilities of that Person in relation to that Property shall cease, except in respect of past Transactions.

Discontinuance of Church Charge in a Parish.

Award of Governors of Queen Anne's Bounty for Discontinuance of Church Charge.

37. Where it is made to appear to the Governors of Queen Anne's Bounty that the Property applicable for the Relief of a Parish from Church Charge, not including any Redemption Rentcharge granted under this Act, produces and will permanently produce an Income equal to the aggregate annual Amount of the Church Charge for the Parish and of any such Redemption Rentcharge, or to such smaller annual Sum as is sufficient to meet the ordinary Expenditure of the Parish for the Purposes for which the Church Charge is applicable, the following Provisions shall have effect:

(1.) The Governors shall, by a Provisional Award under the Hand of their Secretary, declare that on Confirmation of that Award the levying of the Church Charge in the Parish shall cease, and shall forthwith send a certified Copy of the Provisional Award to the Churchwardens of the Parish, who shall forthwith publish the same:

(2.) The Provisional Award shall not have Effect unless and until it is confirmed by the Governors, and sealed with their

their Common Seal; nor shall it be so confirmed until after the Expiration of *Two Months* from its Date:

(3.) During that Period of *Two Months* any Owner of Property liable to the Church Charge for the Parish, or any Rate-payer of the Parish, may send to the Governors a Statement in Writing of any Objection on his Part to the Award:

(4.) The Governors shall forthwith send a certified Copy of such Statement of Objection to the Churchwardens of the Parish, who shall forthwith publish the same:

(5.) The Governors shall, within *One Month* after Receipt of such Statement of Objection, and having first given to the Objector and to the Churchwardens of the Parish at least *Fourteen Days* Notice of the Time when they will take the same into consideration, proceed to take the same into consideration, and to hear and determine the Objection, and in case the Objection is not in their Opinion sustained, then to confirm the Award, and seal it with their Common Seal:

(6.) On Confirmation of the Award the Governors shall forthwith send the Award to the Churchwardens, who shall publish it:

(7.) From and after the Confirmation of the Award the levying of the Church Charge in the Parish shall cease:

(8.) Where any Redemption Rentcharge granted under this Act is subsisting at the Time of the Confirmation of the Award the Incumbent and Churchwardens shall, under the Direction of the Governors, release therefrom the Land out of which it issues.

Ecclesiastical Jurisdiction.

Exclusion of Ecclesiastical Jurisdiction.

38. No Ecclesiastical Court or Officer shall have any Jurisdiction or Authority in respect of Church Charge.

Forms.

Forms in Schedule.

39. The Forms given in the Schedule to this Act, with such Variations or Additions as Circumstances require, shall be used for the respective Purposes in the Schedule indicated and according to the Directions therein contained.

Saving for Local Acts.

Regulations as to particular Parish to remain. [*See last Proviso in 53 Geo. 3. c. 127. s. 7.*]

40. Any local Provision made by Authority of Parliament respecting the making or levying of Church Rates in any particular Parish or Place, or the Application thereof, in force at the passing of this Act, shall remain unaffected by this Act.

General

General Savings.

41. Nothing in this Act shall affect—

Pending Proceedings, and Cases where Money borrowed on Security of Church Rates.

(1.) Any Action, Suit, or Proceeding commenced before the *First Day of January One thousand eight hundred and sixty-eight* in any Court, Parish, or Place with respect to Church Rate, or to the Purposes for which Church Rate is applicable, or any Jurisdiction, Authority, or Power of any Court, Body, or Person relative to any such Action, Suit, or Proceeding, or any Appeal or other Step that might have been taken therein if this Act had not been passed:

(2.) Any Proceeding or Remedy for levying or recovering or enforcing Payment of any Church Rate made before the *First Day of January One thousand eight hundred and sixty-eight:*

(3.) The making or levying of any Church Rate in a Parish where Money borrowed before the *First Day of January One thousand eight hundred and sixty-eight* on the Security of the Church Rates of the Parish remains for the Time being due, or where, by virtue of anything done or happening before that Day, Money is for the Time being legally charged on or payable out of the Church Rates of the Parish; and in every such Parish, as long as any Money remains so due, charged, or payable, and for the Purpose only of the Payment of Interest (if any) accruing due in respect thereof and the Repayment of the Principal thereof, Church Rates shall (notwithstanding anything in this Act) be made and levied as if this Act had not been passed.

SCHEDULE.

FORM OF SCHEDULE FOR ASSESSMENT OF CHURCH CHARGE.

An Assessment of the Church Charge for the Parish of in the County of made this Day of One thousand eight hundred and after the Rate of Twopence in the Pound.

No.	Name of Occupier.	Name of Owner.	Description of Property liable.	Name or Situation of Property.	Estimated Extent.	Rateable Value.	Church Charge at 2*d.* in the Pound.
1							
2							
3							
&c.							

Declaration of Churchwardens.

We, and Churchwardens of the above-named Parish, do declare the several Particulars specified in the respective Columns of the above-written Schedule to be true and correct, so far as we have been able to ascertain them, to which End we have used our best Endeavours.

(Signed) } Churchwardens.

FORM OF PRECEPT FOR COLLECTION OF CHURCH CHARGE TOGETHER WITH COUNTY RATE.

County of to wit.

To the Guardians of the Union.

THESE are to require you, the Guardians of the Union, from and out of the Moneys paid into the Hands of the Treasurer of your Union for the Purposes of your Union, to pay, on or before the Day of into the Hands of *A.B.*, Treasurer of the above-named County, appointed to receive the same, the Sum of £ being the Amount of the several Sums of Money hereunder set down opposite to the Names of the several Parishes, Townships, or Places comprised within your Union, the said several Sums being respectively charged and assessed thereon as the Proportion of the several Parishes, Townships, or Places towards the General County Rate, at in the Pound, made at the last Quarter Sessions (*or* General Sessions) of the Peace held at in and for the said County, together with the Amount of the several Sums of Money hereunder set down opposite to the Names of the same Parishes, Townships, or Places, or some of them, being the Amount of the Church Charge for the Year for each such Parish, Township, or Place, the Particulars for the Collection of which Church Charge in each such Parish, Township, or Place are set forth in the separate Schedule for each such Parish, Township, or Place herewith delivered to you.

(*Signature of the Clerk of the Peace.*)

Names of Parishes.	County Rate at in the Pound.	Church Charge at Twopence in the Pound.

[*This Form is to be varied according to Circumstances, to suit the Case of Cities, Boroughs, &c.*]

FORM OF PRECEPT FOR COLLECTION OF CHURCH CHARGE ALONE.

County of to wit.

To the Guardians of Union.

THESE are to require you, the Guardians of Union, from and out of the Moneys paid into the Hands of the Treasurer of your Union for the Purposes of your Union, to pay on or before the Day of into the Hands of *A.B.*, Treasurer of the above-named County, appointed to receive the same, the Sum of £ being the Amount of the several Sums of Money hereunder set down opposite to the Names of the several Parishes, Townships, or Places comprised within your Union, being the Amount of the Church Charge for the Year for each such Parish, Township, or Place, the Particulars for the Collection of which Church Charge in each such Parish, Township, or Place are set forth in the separate Schedule for each such Parish, Township, or Place herewith delivered to you.

(*Signature of the Clerk of the Peace.*)

Names of Parishes.	Church Charge at Twopence in the Pound.

[*This Form is to be varied according to Circumstances, to suit the Case of Cities, Boroughs, &c.*]

Church Rates Commutation (No. 2.)

A

B I L L

For the Commutation of Church Rates.

(*Prepared and brought in by Mr. Newdegate and Mr Bovill.*)

Ordered, by The House of Commons, *to be Printed,* 20 *February* 1866.

[Bill 30.]

Under 3 *oz.*

A

B I L L

TO

Validate certain Orders made by the Lord Lieutenant in Council under the Church Temporalities Acts in Ireland.

WHEREAS an Act was passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of His late Majesty King William the Fourth, intituled "An Act to alter and amend the Laws relating to the Temporalities of the Church in Ireland," which Act was amended by Two Acts passed respectively in the Sessions of Parliament holden in the Fourth and Fifth and Sixth and Seventh Years of the same Reign, and which several Acts were further amended by Acts passed in the Third and Fourth, Sixth and Seventh, Seventeenth, Eighteenth, and Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty: And whereas by the said Acts Authority was given to the Lord Lieutenant or other Chief Governor or Governors and Council, in certain Cases in the said Acts specified, to disappropriate, disunite, and divest from and out of any Archbishopric, Bishopric, Deanery, Archdeaconry, Dignity, Prebend, or Canonry any Rectory, Vicarage, Tithes or Portion of Tithes appropriated or united to such Archbishopric, Bishopric, Deanery, Archdeaconry, Dignity, Prebend, or Canonry, and to transfer the same to the Ecclesiastical Commissioners Preamble.

sioners for Ireland, in such Manner and subject to such Charges and Provisions as are by said Acts directed or empowered: And whereas in exercise of the aforesaid Powers Orders have from Time to Time been made by the Lord Lieutenant or other Chief Governor or Governors and Council for disappropriating or disuniting certain Benefices, Tithes, or Lands theretofore united with or appropriated to certain of the Dignities aforesaid, and for the Transfer of the same to the Ecclesiastical Commissioners aforesaid: And whereas Doubts have arisen whether the aforesaid Powers of Transfer to the Ecclesiastical Commissioners could or can be exercised in any Case in which there shall have been or be in the Parish wherein such disappropriated Benefice, Tithes, or Land is situate a Vicar or Curate discharging the spiritual Duties of such Parish, and by reason thereof whether some of the Orders for Disappropriation and Transfer to the said Commissioners so made as aforesaid are valid, and it is expedient to remove such Doubts: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, and it is hereby declared,

Certain Powers and Provisions in recited Acts extended.

That the several Powers and Provisions in the said several herein-before recited Acts contained authorizing the Lord Lieutenant or other Chief Governor or Governors and Council to disappropriate, disunite, and divest from and out of any Archbishopric, Bishopric, Deanery, Archdeaconry, Dignity, Prebend, or Canonry, any Parishes, Tithes, or Lands to the same respectively appropriated or united, shall be deemed and construed to extend to and include all and every Case in which the appropriate Benefice, Tithes, or Lands which shall be, or have been, or purported to have been disappropriated, disunited, or divested in the Exercise of the Powers conferred by the said recited Acts, shall be situate in or arise out of a Parish or Parishes wherein there shall have been or shall be at the Time of the Exercise of the aforesaid Powers a Vicar or Curate discharging the spiritual Duties of such Parish or Parishes; and that all Orders heretofore made by the Lord Lieutenant or other Chief Governor or Governors and Council purporting to be in the Exercise of the Powers herein-before recited, and to transfer to the said Ecclesiastical Commissioners any Tithes or Lands by such or any other Orders disappropriated or divested from any Archbishopric, Bishopric, Deanery, Archdeaconry, Dignity, Prebend, or Canonry, shall be valid and effectual in Law, notwithstanding that in the Parish or Parishes wherein same are situate there shall have been at the Date of the said Orders a Vicar or Curate discharging the Duties of such Parish or Parishes; and all and every Lease or Renewal or Grant in perpetuity of any Tithes

or

or Lands by such Orders intended or purported to be so disappropriated or divested and transferred to such Commissioners, which has been heretofore made or shall hereafter be made by such Commissioners, shall be valid and effectual to all Intents and Purposes whatsoever.

Church Temporalities Acts (Ireland).

A

BILL

To validate certain Orders made by the Lord Lieutenant in Council under the Church Temporalities Acts in Ireland.

(*Prepared and brought in by Mr. Attorney General for Ireland and Mr. Solicitor General for Ireland.*

Ordered, by The House of Commons, *to be Printed*, 2 *May* 1866.

[Bill 134.]

Under 1 *oz.*